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Church and state

CHURCH AND STATE

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CHURCH AND STATE

THEIR RELATIONS HISTORICALLY DEVELOPED

BY

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BY

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IN TWO VOLUMES

VOL. I.

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TRANSLATOR'S NOTE.

In introducing this work to the English public it is proper to observe that its contents have undergone considerable revision since its first appearance in German. The author, by whose permission these pages have been translated, and the advantage of whose kind assistance I have enjoyed throughout, has added materially to the original text, more especially in the later chapters. With regard to my own task as translator, I should mention that the indulgence of the author has allowed me to make some additions to those portions of the work which refer directly to the relations of Church and State in England. These additions, which I mention in order to take my proper share of responsibility to criticism, I have introduced only where it seemed appropriate, with the author's concurrence, to illustrate further the course of argument by historical fact,—not from any desire to intrude opinions of my own. For this reason I have limited myself in these added portions to statements of fact without entering into controversies or argumentation.

I have to offer my best thanks to those who have assisted me in the progress of this translation.

E. F. T.

Weybridge:
December, 1876.

AUTHOR'S PREFACE.

THE great struggle about the relations between Church and State, which in recent times has so strikingly reasserted its importance, is as old as civilisation itself, and will last until civilisation ceases to exist. Nothing but the utter exhaustion and sterility of Church life, which followed the battle for the Reformation, will suffice to explain the mistaken supposition that Philosophy could be invoked with success to take the place of Religion, and to ring in the golden age of the worship of Humanity. In proportion as the Church recovered from that exhaustion, while the philosophical systems, on the other hand, which men had looked to for salvation, superseded each other in rapid succession, the real powers of a positive religious faith reappeared with increasing energy and strength. Catholicism and Protestantism simultaneously gathered their forces together, to shake off the influence of a Rationalism which was disintegrating both alike, and to recall to life the innate conditions of vitality peculiar to each. Both endeavoured to raise the Church once more into an independent power; and with the progress of this movement, the question of the relations of Church and State necessarily again became one of paramount and urgent interest.

Considering the importance of this question at the present time, it appeared to me well worth the labour to retrace the stages through which this grand historical process has run; and from this outline and endeavour the present work has grown. Its object is ecclesiastico-political—to present, in short, an historical guide-book for the problems of the present day. I am fully aware that the attempt to compress within a small compass a subject so vast and multifarious can be nothing more than an attempt; and I shall be grateful to criticism for every kind of correction and supplementary material.

The nature of the subject rendered it imperative that I should examine, in conclusion, our own position in Germany. I have considered the resolution of the Prussian Government to regulate anew the relations of Church and State to be not only right but necessary. But from the first moment when that resolution came to be executed, my convictions led me to perceive a fatal mistake in the manner in which this was done. The reasons for this conviction I have endeavoured to state in the last section.

I know that these opinions will draw upon me considerable blame. It is said to be a patriotic duty to stand by the Government, even when they have mistaken their path, since they cannot recede from their position. I cannot in any way accept this argument as sound or valid. Of course, when the question at issue is a foreign war, it is the duty of the individual to silence his personal convictions, and to exert all his energies in support of the Government, when the honour of the flag is at stake. But it cannot be asserted that the present struggle, in which a third part of the population is ranked with the opposition, is in any sense a foreign one. With regard to home questions, on the contrary, the demand of silent acquiescence is only entitled to obedience when it is possible to agree with the Government in the essentials of its policy. It was none other than the Liberal party who, during the Constitutional conflict, maintained that they were fulfilling a patriotic duty by their opposition; nor indeed, putting aside the question whether their conduct was politically right, can one designate it as wrong in principle. *That* opposition only was blameworthy in itself, which, in the face of an inevitable war with Austria, held firm to absolute resistance. Moreover, to assert that the Government *must* enforce their policy, presupposes that they *can*. A Protestant who is persuaded of the contrary, and believes that the course of action they have pursued tends only to increase the power of Ultramontanism, while it injures the only antidote against Ultramontanism, the Evangelical faith, will feel it his patriotic duty to raise his warning voice against the continuance of the struggle so long as it is conducted on principles which he cannot but consider as erroneous.

The contents of these volumes will protect me against the suspicion of any sympathy with the Ultramontanes.

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Erratum.

Page 475, line 16, *for* 'powerful and penetrating' *read* 'powerless to penetrate.'

THE

RELATIONS OF CHURCH AND STATE.

CHAPTER I.

THE STATE AND THE RELIGIOUS COMMUNITY.

Religious Fellowship always organised—Organisation of the State—Relations of Religion to Law—Theocracy and Hierarchy—Union of the Religious Community and the State—Counter-principle of Separation—Objections to State Indifferentism to Religious Societies—Necessity of Religion to the State—A well-regulated Union desirable—Difficulty of defining Separate Spheres of Action—The State must determine its own Sphere—Limits of State Authority—Principles of Proper Union—Relations determined by Circumstances.

Religious fellowship always organised.

WITH Christianity, and not till then, appears the Church—in other words, the community of that religion which claims to be the universal because it is the only true one. Fellowship of religion, indeed, we find everywhere, for it is the necessary product of the religious tendency of the human mind. Religion is the consciousness of a Divine Being, and the connexion with that Being as manifested in Divine worship and in obedience to Divine commands. The deeper the foundations of religious belief in man, to an extent that the sense of participation therein forms the closest spiritual bond of human brotherhood, the more inevitably, according to all human experience, must that consciousness of belief work out its inner strength into a form, and develope itself into a consciousness of active fellowship. And in proportion as it is certain that religion does not consist merely in the knowledge of Divine things, but above all in the practical attestation of such knowledge in daily life, the less can that religious fellowship dispense with an organisation, through which it assumes at once a concrete existence, and thereby comes in contact with the dominion of the State.

Organisation of the State.

The State is a moral, but a purely earthly, community, by means of which human society maintains its stability and order. Man, from a necessity of his nature, unites with his fellows to form a society or brotherhood, by means of which he seeks to accomplish that for which his single strength does not suffice. Hence the family, the tribe, and the nation, developed finally, but with fixed boundaries of dominion, into that organised unity which is termed the State, whose duty it is, in its more perfect form, to promote, as far as possible, the collective civilisation of all its members, and unconditionally to maintain and control the administration of the law alone.

Law.

Law is the absolute barrier against the license of personal will. The natural instincts of selfishness are to satisfy its aims without regard to others; reason and morality oppose their injunctions, but are not always powerful enough to prevail. Certain insurmountable limits, however, must be prescribed to individual aggression, to prevent society from perishing through the tyranny of brute force. These limits the law provides, and with them the guarantee of social order. That which is law in single cases may, and in fact must, be changed in the course of time and according to the circumstances of different States; but all existing systems of law possess this attribute in common, that they are absolutely binding upon all subjects of the realm. Hence the law must assert itself as the representative of public order and of the sovereignty of the State, which has the right and the power to overcome the resistance of the individual will.

Relations of Religion to the Law.

Into this province of civil jurisdiction, which defines the external relations of men, Religion also enters, in its outward embodiment as a community; and on this ground, if on no other, the State cannot treat it with indifference. Nor yet for another reason more deep-seated, inasmuch as the State itself is a moral community, and morality always, in its ultimate resort, rests upon religious belief—an axiom clearly demonstrated by the law itself, the most important instrument of State power. Certainly, not all moral injunctions are statutes of law, since the former address themselves to the disposition of the mind, which God alone can know, while the latter are restricted to outward acts, albeit proceeding from the mind. The law cannot require that a man should love his neighbour as himself, or should not covet his neighbour's goods; but in checking violent injury to person or property—offences which the law alone can determine and punish—it is dealing beyond dispute with the sentiments of hatred and envy in their final effect. The essence of Law, therefore, rests upon Morality, which itself has its roots in Religion, and which in no way forbids the pursuit of pleasure or utility, but assigns to each definite limits, traced according to a higher rule. Right, or *fas*, supported by the sanction of religion, is everywhere older and more powerful than *jus*, the creature of choice and of the will. Wherever *fas* becomes powerless, whether through the selfish usurpation of privileged estates, protected by the *jus*, over the majority of the people, or through the tyranny of religious unbelief, there the State itself is on the road to ruin, nor can the brittle props of a still outwardly existing system of law arrest its decline.

To this axiom, that a State, which is deprived of its foundations of religion and morality, has lost its intrinsic substance and support, Plutarch gave this striking expression, that a city might sooner exist without house or ground than a State without belief in the gods.[1]

Theocracy and Hierarchy.

The particular relations, however, of the State to the religious community may differ very substantially. The State may conceive the profession of religion to be a duty of its own, so that the civil and religious communities unite in one. In this case, the State either appears as the mere corporate embodiment of religious thought, as in Theocracy and Hierarchy, or dominates the religious life and regulates it from its own points of view. *Theocracy* we meet with in Judaism and Islamism—in the former as a temporary and transitory phase in the realisation of the Divine plan for the redemption of mankind; in the latter as a fixed and permanent institution. The *Caliphate*, or Vicariate, of the Prophet represents the union of civil and religious authority. Its holder is at once the ruler and the defender of the faith; his subjects and the faithful are one and the same; the laws are identical with the commands of religion; the Koran regulates the rights of inheritance and of war, as well as the duties of religious worship and morality. *Hierarchy*, or the political and social organisation of the State, in the name of the Deity, by a religious body, acting as mediators between God and the people, appears in Eastern nations, such as India and Egypt, in the Catholicism of the Middle Ages, in the Jesuit State of Paraguay, and in modern times, until the present, in the States of the Church. The control of religion by the State, on the contrary, is seen consistently developed in the republics of classical antiquity, and, to a certain extent, in the State Churches of Christendom, the principle remaining in each instance the same—namely, that the State, as solely, or at least peculiarly, entitled to a definite expression of religious belief, recognises and supports it accordingly, while, at the same time, she exercises more or less control over the privileged religious communities, appoints and pays their ministers like other officers of the State, and watches over the maintenance of their creed.

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[1] ἀλλὰ πόλις ἄν μοι δοκεῖ μᾶλλον ἐδάφους χωρὶς ἤ, πολιτεία τῆς περὶ θεῶν δόξης ὑφαιρεδείσης παντάπασι σύστασιν λαβεῖν ἢ λαβοῦσα τηρῆσαι. (*Plut. adv. Colotem.* c. xxxi, p. 1125, ed. Francof.)

Union of the religious community and the State.

The union of the religious community and the State, in whatever form it may be realised, is unquestionably a great source of national strength, provided it is based on genuine conviction. Among the citizens of Sparta and Rome irreligion was also a political crime; and the cry of 'There is one God, and Mahomet is His Prophet' established the dominion of Islam. To the religious belief of the Middle Ages the man who was outside the pale of the Catholic Church was regarded as devoid of civil rights; and there was a time when even Protestantism, from the general conviction of its adherents, could make the confession of the Christian faith a condition of fitness for civil and political rights. But this source of strength becomes a source of weakness and dissension as soon as a considerable number of the members of the State secede, from motives of conviction, from the dominant faith; and history shows that this has happened sooner or later with all State religions or religious States. The State and the religious community are based on mental foundations, alike, indeed, in kind, but differing in their development, and to make the two identical must inevitably lead to a rigidity which conflicts more and more with the law of development. All official religion loses itself in externals and becomes a burdensome yoke; for the varying aspects of belief cannot develope themselves under a stereotyped form; and the very conflict, which is intended to be avoided by a union of the two powers, becomes finally all the keener and more sharply pointed. In these days, moreover, when the incessant interfusion of mankind discovers varieties of belief in all countries, the identification of the State with the religious community becomes daily the more impracticable, inasmuch as the legitimate demands of civil equality no longer allow political qualifications to depend on the expression of religious belief.

Counter-principle of separation.

The principle directly opposite to the above is that, according to which the State and the religious community, although composed of the same men, lose entirely the elements of mutual cohesion from the divergence of their respective aims. The State leaves the religious bodies to pursue their objects by all the means at the disposal of each individual, so long, that is to say, as they offend not against the law or morality; but, at the same time, it treats them as mere associations of subjects, amenable, like any other non-privileged society, to civil authority and jurisdiction. They enjoy full liberty of private action, but beyond this have no recognised position in the State, which pays no regard to them either in its institutions or its legislation. This idea of separate civil and religious communities has, at first sight, much that is attractive. Religious belief is something that is absolutely from within: the State cannot decide which is the true faith; that religion is the true one in proportion only to the power which its spiritual vitality exerts over its believers, whose duty it is, and not that of the State, to provide for its requirements. In this separation of the two powers each enjoys full liberty of action within its own sphere. The Church claims no privileges which might expose her to odium, and no support from the State. She reposes in her own strength, and operates according as she is alive in her members. On the other hand, she is in no way fettered in her movements so long as she keeps within the limits of the common law.

But to this theory there is the conclusive objection that although the State and the religious community have different spheres of activity, they are nevertheless composed of the same men. Although the individual embraces two worlds, the one of mental conviction, the other of action, still it is the mind that guides the arm. From the first dawning of a thought up to the act which gives it ultimate effect, the mental process is continued without interruption; and hence it is the mind that constitutes the unity of personality, as distinguished from the organs through which the individual acts. Now, religious belief is such a powerful factor in the mental constitution that, where genuinely entertained at all, it is usually predominant. Those, therefore, who adhere to a religious community by conviction will use their utmost endeavours to propagate their form of belief, which endeavours no free State can prohibit. And history abundantly proves, that religious oppression rarely, if ever, attains its end, or at least has only attained it with purely mischievous results.

Objection to State indifferentism to religious bodies.

In the case of smaller sects the State may ignore the necessity of proselytism, which underlies the very essence of religion; but large, organised religious communities are too important a power in society for the State to regard them with indifference. And the less can it do so in proportion to the influence over the Government which representative institutions confer upon the majority of the people. The Constitution of the United States, for example, takes no cognisance of the relations of Church and State; and, under the protection of religious liberty, Roman Catholicism in that country has grown into a considerable power. Yet no one will indulge the illusion that the Catholics, should they ever obtain a majority in

Congress, would extend to the Protestants the same toleration which they themselves now enjoy; for the very principle of the Catholic Church is to persecute, as soon as she can do so, that which she conceives to be error. If, therefore, Catholic ascendency were threatened, the people would be forced, in spite of the silence of the Constitution, to occupy themselves with Church questions. This further consideration remains, that, whenever religious bodies are entirely self-supporting, the maintenance of their system of worship depends on the goodwill of their members; and their ministers very frequently will not have the courage to oppose that which runs counter to the interests of those who contribute to their support. Not a clergyman, for example, was to be found in any of the Southern States of America who would have ventured to condemn slavery, while many, on the contrary, did not hesitate to justify it from the Bible.

Necessity of religion to the State.

An attitude, however, of mutual indifference between the State and the religious community can never be desirable, even supposing it to be possible, because both concur on the most important points of contact in human society. Men may try, for the sake of avoiding collision, to reduce to a minimum these points of contact with the law; but the State can never dispense with religion for the moral education of its subjects, since there is no true morality without religion. The example of individuals who, having broken with religious belief, still conform to morality, proves nothing to the contrary; for men, such as these, regulate their conduct, however unconsciously, by the civilisation of the nation to which they belong, and which in turn is saturated with religious elements. The enormous majority will never attain to moral firmness of character by themselves. History proves beyond refutation the vanity of the attempt to supply by philosophy and abstract morality the want of religion. The civilisation of all States alike is based, in the first instance, upon religion; and where the latter is obliterated, as during the later period of the Roman Republic, or in France under Louis XV., there discipline and moral rectitude rapidly decline; the foundations of the State itself have become rotten, and give warnings of impending ruin. A purely negative relation between Church and State, such as would completely isolate the latter from religion, would, therefore, if such were possible, be disastrous to the nation.

On the other hand, the Church cannot entirely renounce her influence over the State, and withdraw herself to the sphere of the mind, inasmuch as religious interests, from their very nature, are involved especially in the most important affairs of life. As a matter of fact, then, a really perfect separation of the State and the religious community, to say nothing of the possibility of the experiment, has never yet been attempted.[1] The demand for it chiefly proceeds, in part from those who regard religion with indifference or hostility, and therefore resent any recognition of it on the part of the State; in part from extreme sections in the Church, who see religion enslaved by any relation with the State. The former forget that without religion there is no true morality; the latter, in their blindness to the real facts, expect the return of an ideal Apostolic Church by the loosening of every tie between religion and the State.

A well-regulated union desirabl·.

Every consideration, therefore, points to a regulated union of both powers, precisely because within the spheres of each lie the common elements of social prosperity. Thus we arrive at the third and last alternative, the fundamental proposition of which is, that Church and State constitute kindred, and yet divergent spheres of action, whose functions neither entirely coincide nor divide; that in certain respects they unite, while in others they deviate: so that, in the latter case, each of the two powers has to pursue its own course independently; while, for the former, there is need of organised co-operation. Such a union of liberty and reciprocal activity is eminently suited to civilised Christian States, since it affords scope for the greatest variety, according to circumstances, in the mutual relations of both powers.

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[1] Not even in America, as will be shown further on.

Difficulty of defining separate spheres of action.

At the same time, however, it is clear that the difficulty lies in determining which are to be the common, and which the independent spheres; and where a decision is to be looked for in case of conflict. It sounds very simple to say the State is to rule in the civil sphere over all that relates to person and property, and all that is external upon earth; while the religious community is to regulate the spiritual sphere. But is not the State entitled to influence the spiritual improvement of its subjects, on which, in fact, its own welfare and progress depend? And is not religion entitled to examine into the conduct of her professors, which forms a test of their belief? Here again it is evident that the provinces of both powers diverge as widely as, in other cases, they closely coincide. Undoubtedly a clear definition of their respective spheres of action is most desirable for both; but it is one most difficult to arrive at, since it presupposes the unreserved recognition, on each part, of the principle of their primary independence—a recognition which either is only too prone to refuse, according as it is prone to increase its competence with its strength.

On the other hand, it cannot be denied that whenever one of the two powers prescribes, independently, the limits of its sphere of action, it *de facto* rules the other. The proof of this lies in the fundamental position of the Catholic Church. She does not deny the independence of the civil power; she claims only the same independence for her ecclesiastical dominion; but she claims, at the same time, the right to determine the extent of that dominion, and, in those questions where she comes in contact with the civil power, to decide what are ecclesiastical matters amenable to her cognition. But he who himself determines the limits of his own sovereignty, by so doing determines those of any other. Now if, on the one hand, it is beyond dispute that where the State has usurped to itself the right of determining those limits it has frequently done injury to liberty of conscience and the legitimate autonomy of religious bodies; nevertheless, since a choice must be made, to the State only can the right be conceded of determining its competence. For experience shows that wherever a religious community has exercised this right, it has arrogated permanent and absolute political authority to an extent incompatible with the independence of the law; while, on the contrary, the unauthorised encroachments of the State upon Church life have had a comparatively less mischievous effect—for this reason, that the injury caused thereby to the State itself soon became so manifest as to necessitate a change. Moreover, the persecution of a religious body by the State is almost always evoked at the instigation of another hostile party. The State itself is merely the instrument: its hand is often rough and heavy, but the history of its penal procedure offers nothing that could be compared to the terrors of the Inquisition.

The State must determine its own sphere.

It is, therefore, only Ultramontane fanaticism or the *naïveté* of Doctrinaires that can call it a violation of the liberty of the Church, or of her members, when the State seeks to secure itself against a power which regards the assertion of civil independence in matters, the control of which the State cannot surrender without surrendering itself, as a desertion from the true religion, to be tolerated

Limits of State authority.

by the Church only so long as she is powerless to prevent it. It is true, of course, that all hinges on this, that the State should have the wisdom to keep within its sphere, and administer the law, to which it subjects the religious community, with due regard to the nature of the latter. That would assuredly be a very distorted policy which should welcome every means to crush and humble a dangerous opponent; which, for instance, should not content itself with repelling the encroachments of religious bodies, but persecute them in return. Religious persecution serves only to strengthen resistance when it stops short of annihilation, and even in not doing so it is heavily avenged.

Matters would grow still more pregnant with disaster did men not scruple to summon the fanaticism of unbelief against that of superstition. Such an anti-religious passion would in turn make men forget how inseparably the moral and religious feelings of a people are blended, and that when the State attacks religion it destroys thereby the growth of every deeper moral conviction. The man who would subdue superstition by unbelief resembles one who, in his zeal to destroy the weeds, not only uproots therewith the good corn, but tears away the earth as well, and lays bare the naked rock, which no longer yields any sustenance for a single little blade. In proportion as a nation loses its belief in religion, the worship of force and of gold most surely becomes omnipotent.

But finally, it would also be a grievous error if the State, in order to subdue the excesses of particular religious bodies, were to attempt to crush the internal independence of all, and subject them to its exclusive dominion. The danger of such a perverted policy attaches peculiarly to the present day, since the tendency of thought among the influential and cultivated is to conceive the State as the ultimate and sole expression of all national as well as general interests of civilisation.[1] This tendency, especially in Germany, must be explained as the reaction against the former state of political destitution, and that school of political economy which, by appealing to the so-called natural harmony of interests, conceives the proper duty of the State to consist in making itself as superfluous as possible. This reaction was legitimate, and has led to a fuller and broader conception of the State. Persons have learned to understand that a State, so called, which is limited to the maintenance of law, is, in our present condition, a barren abstraction of that doctrine which emanated from the hatred of bureaucratic absolutism. The law does not exist for its own sake, but simply as a means, at once the most obvious and necessary, for furthering the common purposes of life. The duties of the State are infinite and complex; they change and grow with the people and their civilisation: the richer the life of the individual becomes, the more irresistibly he feels himself bound up with and supported by the State. But although the State is the organised nation, it does not necessarily absorb the collective life of the people; whenever it attempts to do this the result is State despotism. Absolutism, founded on civil dominion, is justifiable when the object is to reinfuse life, by means of the strict exercise of State discipline, into a society disordered by class contests. But every attempt to make the State paramount in the sphere of mind and religion must lead to oppression and persecution, and result in the ruin of the State itself, no matter whether such despotism be exercised by a monarch like Louis XIV. or in the Convention by the disciples of Rousseau. At the same time, it is unquestionably the duty of the State to further the advancement of mental and religious interests, for her prosperity is based alone on true culture and morality. She prospers, however, in the first instance, by giving free scope for action; when she controls, she also hinders development. The interference of civil authorities in the purely internal economy of religious communities is wholly incompatible with that greatest benefit which religion bestows, the education for moral freedom. However remote the idea of abridging the liberty of conscience may have been, at first, from the executive power, still such a policy of interference, in its ultimate consequences, would inevitably produce that result; while the attempt to convert religious communities into mere organs of the State would at once, if successful, deprive them of their spiritual dignity, and degrade them to the level of institutions of mere intellectual police. Such institutions may be convenient for the State, but they can never become fitted for those duties which are of immeasurable importance to national life, but which the State, from its very nature, must remain incapable to fulfil.

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[1] This idea has found its most rugged, and yet very obscure, expression in Rothe's doctrine of the absorption of the Church in the State. Anyone who studies this author impartially will agree as little with his attempted vindication, on theological grounds, of this Hegelianised theory as the practical statesman will concur in his extravagant notions of the State.

Principles of proper union.

The difficulty is therefore so to regulate the relations between the State and the religious communities as to give the latter, on the one hand, full freedom of development within the limits of morality and a general system of law; and, on the other, to unite with those communities for moral objects, which are of such vital importance to national life. To achieve this, there cannot exist, as everyone will understand, any abstract formula; the mode of regulating these relations must be guided by the peculiar circumstances of the country or the people.

In the first place, the numerical strength of a religious body is an element of great weight. The case is, Relations determined by circumstances.

obviously, very different where, as in Spain, Portugal, Italy, and Belgium, the Government confronts a nation almost exclusively Catholic, from that in which a not inconsiderable minority of Protestants coexists with a largely preponderating majority of Catholics, as in France, and conversely in England. The case differs when, as in the German Empire, the Catholics compose about a third, and the Protestants two-thirds, of the population, and when, as in Scotland and the Scandinavian States, the nation is almost exclusively Protestant. The power and importance of the religious bodies, stamped as it will be on their institutions and resources, will vary according as one or the other of these relations exists. An ancient and powerful community will demand more scrutiny and supervision, but at the same time more consideration, than a new and unimportant sect.

A further circumstance of importance is the fundamental position which the religious society occupies in respect of the State. If the State, on the one hand, is to grant to all societies equal liberty and equal rights with strict justice, it cannot nevertheless shut its eyes when a religious community impugns the right of the State to independence, and openly condemns the principles on which the civil constitution is based. In like manner the State, in its dealings with religious bodies, is bound to consider their internal organisation, their worship, and their discipline. It makes a great difference to the State whether she has to deal with independent societies, democratically constituted, or with the Catholic Church, which recognises a foreign potentate as her absolute head. A government which should neglect to adopt measures of precaution in this respect would only expose itself to embarrassment and defeat.

Finally, there are to be considered the historical development, the institutions, and the state of civilisation peculiar to each country. A nation which enjoys a high degree of culture, and feels that culture assured by liberal institutions, can tolerate religious conflicts which in others must lead to anarchy. Catholicism wears a different form in Italy and Poland from that in Belgium or France. In the South American Republics, where, among a population divided between the Latin race and the Indians, Catholicism represents the only spiritual power, its civilising functions assume a totally different complexion from those in England, Germany, or the United States, where it confronts a Protestant world of culture.

Thus the adjustment of the relations between the State and the religious community will depend on a quantity of the most various conditions; and in order to form a correct estimate of these a survey of their historical development will afford the best guidance.

CHAPTER II.

THE STATE AND THE RELIGIOUS COMMUNITY IN HEATHEN ANTIQUITY.

India—Primitive Worship of Nature and Later Mythology—The Brahmanic Caste of Priests—Relations of the Priesthood to the Monarchy—Buddhism. The Priest-Caste and the Monarchy in Egypt—In Asia—Priests in Greece not a Separate Caste, but Servants of the State—Religious Character of Greek Nationality—System of State Worship—Civil and Religious Decay—State Religion of the Romans—The Patricians and Plebs—National Character of Heathen Religions.

CHAP. II.

India.

In endeavouring, in the first place, by a rapid sketch, to trace the relations between the State and the pre-Christian religions of Heathendom, we find in India, the extreme member of the Indo-Germanic family of nations, a people who regarded themselves and their institutions not only as autochthonous and sprung from the soil, but as situated outside the field of historical development. This idea, of course, did not correspond with reality: it may be taken as proved that the inhabitants of India, no less than their neighbours the Bactrians, the Medes, and the Persians, were immigrants from the Iran highlands, and, like the latter, called themselves *Ârya*, or noble. In the Vedas, their oldest memorials in writing, no mention occurs of Caste, that peculiar institution which afterwards permeated and controlled all the relations of Indian life. We hear only of the conquering *Vaisyas*, the dominant fair-complexioned people and brethren of the same race, as opposed to the conquered dark natives, or *Mlechchhas*. The Vedas, in like manner, know nothing of the later

Primitive worship of Nature.

world of gods: the cosmic conception of Nature predominates throughout. Indra is the god of the heaven-born, creative, and life-giving light, which dispels the night and frightens away the dark spirits and beasts of prey. The cooling winds are his companions; his adversary is the demon *Vritra*, who rises up in blackness over the heavens to hide the light and withhold the fertilising waters from the earth, and whom Indra strikes with lightning to make the clouds dissolve in rain.

Later system of Theogony.

Next to him are *Varuna*, the god of the all-embracing Firmament and of the Sea, the nourishing and moving power of the fluid elements; and *Agni*, the consuming and purifying fire of sacrifice and of the hearth, in which matter reascends luminous to heaven, and unites with the Gods. In the later system of gods, as met with in the great epic poems, allusions to the moral nature of man predominate. *Brahma*—a word applied in the Vedas in a neuter sense only to prayer and devotion—becomes the pure To Be, the indivisible, self-existent Essence, the primordial Soul of all things, devoid of destination and personality, and finally developed into the Universe. So exalted is this abstraction that He is seldom worshipped in any temple, and for the most part only by the educated in prayer. To the people His place is supplied by the active government of subordinate deities, especially by *Vishnu*, the preserver and ruler of the world, who sanctifies and redeems it by a series of incarnations. Opposed to Vishnu, probably under the influence of the worship of demons and nature by the aboriginal natives, is *Siva*, the god of death and destruction. To this triune system of deities (each of which has a goddess for his wife, who completes the active male element in passive abstractions) is attached a large multitude of inferior gods, with locally varying forms of worship and a diversified order of rank. But the fundamental idea of Indian mythology is pantheistic, the Deity being absorbed in the universe, and then returning again to His original unity, so that creation is only a varied form of the Divine substance.

The Brahmanic caste of priests.

This order of rank, however, is far more sharply defined on earth in the system of Caste. Among every people, with the progressive division of labour appears a separation of the different branches of occupation. Classes are formed, with their distinctions more or less strongly marked, according to property or employment; and the mere fact that the son succeeds in regular course to the occupation, as to the property of his father, naturally leads to heredity and social exclusiveness. This exclusiveness becomes a caste as soon as the limits, once prescribed, are regarded, as is the case alike in India and Egypt, as immutable. Peculiar, however, to India is the belief that this classification of society is ordained from the very first by the Deity Himself, is protected by His sanction, and for that reason remains unchangeable. And in India, therefore, to violate this Divine institution is not merely a political crime, but an act of heresy. That belief, indeed, is as baseless in reality as the notion that the inhabitants of India are indigenous; on the contrary, we have distinct traces of the struggles it has cost to carry out the system in question. At the conquest of India, that part of the aboriginal population which submitted voluntarily remained free, but became a menial class (*Sûdra*); those who maintained an obstinate defence in marshes and mountains were outlawed, and declared reprobate and impure. From the mass of the Aryan Vaisyas arose, first of all, the warrior-class, or *Kshatriyas*; but in proportion as their martial organisation lost in importance in the peaceful life that followed the priestly class gained the ascendency. The priesthood, from its nature, is occupied at all times with those functions which, earlier than any other, require especial culture. Natural religion, from the first, demanded the observation of physical phenomena, of the stars and the elements of creation; but, in addition to that, the need of learning, conformable to their position, became the more imperative to the priests, when, later on, they came to deal with a system of worship growing more and more complex in its prayers, its ceremonies, and its rites, all of which were indispensable in order to mediate for the favour of the Deity.

Hence we see that in most nations, notwithstanding the absence, perhaps, of a universal division of labour, the priesthood separates itself into a class, which becomes more and more exclusive with the consciousness of higher dignity and of the mental superiority acquired by the habit of thought. Thus we find, not only among the Egyptians, but in nations unacquainted with a division of caste, such as the Assyrians, Babylonians, Persians, and Jews, besides the Gauls, the Mexican Aztecs, and the Incas of Peru, an isolated and, for the most part, hereditary priesthood, whose members devote themselves entirely to the task of serving the Deity and reconciling Him to the people, by whom, in turn, they are maintained. Nowhere, however, is this organisation so sharply defined as in the Hindu caste of the Brahmans. The development of a system of religious belief, by means of which the idea of sin and atonement found its full expression in an endless maze of purifications, mortifications, and punishments; the knowledge of worship and ritual; and the possession of the sacred writings and language—all combined to separate the priesthood more and more from the laity. As mediators between God and man, the former claimed and acquired the highest position in society. In this system in its perfection, such as the Laws of Manu describe it, the priests are gods upon earth; they are able to work miracles; their persons are sacred and inviolable; to strike a Brahman with only a blade of grass would bring damnation on the offender; they alone keep the sacred writings, understand how to perform the sacrifices, and devote their lives to the contemplation of the Divine, culminating in the perception of the vanity of a sensuous existence. In secular matters, moreover, they occupy a prominent position. They are the advisers of the king, the judges, the physicians; they conduct the education of the young. On their part, in return, they are strictly bound to observe a multitude of external rites and ceremonies, the violation of which involves heavy punishment; and they have to undergo a long course of priestly instruction. The second caste, which has furnished most of the princes, are the warriors; the third consists of those who follow different crafts or trades. These three castes are united by a common origin, denoted by the outward symbol of the girdle of the sacred thread. The fourth caste, or *Súdras*, occupies the lowest position of subjection. Outside all caste are the wretched dark-coloured aborigines, or *Chandâlas*, who are not allowed a settled home, and mere contact with whom is defilement. Of course this separation of castes could not be effected as strictly as the theory demanded. As the Brahmans, who, unlike other priesthoods, did not practise celibacy, and whose position rested far more on the principle of descent, increased considerably in numbers, they could not all restrict themselves to merely priestly duties, but were obliged, and therefore also empowered, to exercise certain other industrial occupations of other castes, and not considered unclean. But no member of an inferior caste was ever allowed to usurp the occupation of a higher one; nor was marriage permitted between members of different castes. The mixed offspring of such a union was degraded for ever to a lower social rank.

This system is, unquestionably, the most matured and elaborate of any priestly legislature; and it was girt round in India with such indissoluble bonds as in no other nation of antiquity. Its dark sides are evident; but it is just because this rigid isolation of classes is merely the caricature of the principle of a necessary division of society that the system of caste in earlier times was not without its bright aspect. The legislators sought for culture in religiousness, morality, gentleness, and a high development of art and industry; the Brahmans themselves were of simple manners, and devoted themselves zealously to the instruction of youth and the advancement of the people to a rich maturity. In spite, even, of the subsequent degeneracy of the hierarchy, Caste was able to prevent the monarchical despotism of the rest of Asia from becoming paramount in India, simply because the rights of all classes alike were inviolably established. In principle, indeed, the Hindu monarchy appears absolute; the king is revered as the image and embodiment of the Deity, married in human form to the country which he rules; nevertheless he is wholly subject to the duties of his own caste, and dares not trench upon those of others. Manu remembers with wrath the king Vena, who attempted to confuse the boundaries of the different castes, and lost his reason as a punishment. Further, the education of the princes is regulated by law, and is in the hands of the Brahmans, the most learned of whom are their councillors, the High-Priest occupying an exalted position. While the Brahman is responsible for a life of holiness first to the Deity and then to himself, the duties of the king are represented as towards his subjects.

Relations of the priesthood to the monarchy.

And inasmuch as the monarchy was regarded as an institution based on the Divine economy of the world, and therefore encountered no opposition, the regimen could be patriarchally mild and conformable to the law.

The village and town communities administered their own affairs; a number of communities formed a 'circle,' from five to ten circles a district, ten districts a department, each of these three divisions being under officers appointed by the king, who constituted a succession of courts of appeal. The Brahmans, on the other hand, could not by their constitution lay claim to any secular authority. They never attempted to possess the throne; they influenced the temporal power merely by their teaching and advice, the obedience required from the king being limited to the priestly law; they were declared eligible to political posts by preference, but not to the exclusion of the two other castes. When they took part in the government, they did so only by royal commission, not in virtue of any right of their own. Thus, then, the organisation of society was hierarchical only in so far as the priestly element was uppermost and resisted the influence of that warlike restlessness in politics which stamped its aggressive character upon the other Asiatic kingdoms. Religious thought, as well as the classification of society, are equally primitive, and act alternately upon each other.

Buddhism.

Social life in India, from the period of its complete consolidation down to our own time, has experienced only one great cataclysm, and that was through Buddhism. That religion, in its view of the nothingness of the world and of the destined absorption of man into the blessed rest of annihilation (*Nirvâna*), which, nevertheless, is considered as the fulness of all reality and the all-embracing principle, exhibits no essential distinction from the pantheism of the Brahmanic Sages, who, by a complete seclusion from the outer world and an absolute mental self-absorption, ascribed to the soul the power of comprehending the Divine. Buddha, however, drew from this self-contemplation the practical consequence that even priestly doctrines and the system of caste are of indifferent moment, that it is a holiness of the mind and of life which alone can enable everyone, by strict asceticism and irrespective of his birth, to participate in this liberation from sorrow and passion. The idea of the equality of all mankind, in contrast to the barrier of nationality and of caste, appears here for the first time, albeit only to claim for all an equality of misery. Such a religion opposed an irreconcilable contrast to Hinduism. It was expelled; but after the expedition of Alexander to India had shaken the Brahmanic world, a Sudra, Chandragupta, conquered Hindustan, and his grandson Asóka went over to Buddhism and raised it to the religion of the State. Thenceforth it spread southward to the Deccan, Ceylon, &c., and northward to Cashmere and Cabulistan. It assumed a hierarchical form gradually more definitely marked, and lost entirely its original purity by its alliance with the worst element of Brahmanism, the worship of Siva. In this form it came to Tibet, and there, by the alliance of its high-priest with the secular power, it became Lamaism, which, after the conversion of Chubilai, the grandson of Genghis-Khan, attained its monarchical zenith in the Dalai-Lama, whose perpetuity was maintained by an uninterrupted series of incarnations. This system, by supporting itself on the old Buddhist doctrine of the migration of souls, was intended to unite the advantages of hereditary succession and election in order to preserve the authority and unity of the hierarchy, which afterwards petrified itself more and more into the caricature of the Tibetan Church-State.

The priest-caste and the monarchy in Egypt.

While Hindu life inclined strongly to contemplation, in Egypt the natural conditions of existence pointed rather to the outer world, as her innumerable wars with the neighbouring nations and the colossal buildings in the interior serve to testify. India restricted herself to her own limits; Egypt exercised a wide-spread influence abroad. This tendency, as regards the latter, is reflected even in her religion. In remote antiquity, indeed, we find in that country deities of a speculative-cosmic kind. Thence originated the ingeniously elaborated doctrines of the migration of souls and of the dominion of the dead; but later on a rude worship of animals, oracles, sorcery, and a rigid system of formalities prevail, and control all the relations of life. There, in like manner, we find the system of caste developed under the influence of a priesthood, separated in the first instance from the people, and surviving the extinction of other castes; the priests themselves being again divided into strictly isolated classes, and their offices, from the prophet and high-priest to the servants of the temple, being throughout hereditary. As in India, the Priest-Caste was the sole bearer of all intellectual activity. All inventions, arts, and sciences bore a priestly character, as, for instance, the picture-writing of hieroglyphics, the science of medicine, mechanics, chemistry, and astronomy, as well as astrology, alchymy, and the art of soothsaying. The great point of difference from India is that the castes were not determined by Divine sanction, but only by social custom. This was the more easy to achieve since Egypt formed one compact kingdom, and the system exhibited simply the coercive despotism of a corporation, consistently developed to its utmost extreme. For this reason, also, the number and extent of the castes are differently stated. This much only we may take as certain, that priests and warriors ranked as the ecclesiastical and lay nobility above the other classes, who were excluded from all share in political life. The king, as the natural head of the warrior-caste, formed the pinnacle of the State. Politically he was absolute; he was expressly entitled God; but the priesthood which surrounded him exercised large influence. He was assisted by a consulting college of priests; the supreme court of justice was composed of the representatives of the three great divisions of the priesthood; his whole life was regulated, down to the minutest detail, by sacerdotal precepts; his servants had to be the sons of priests, who exercised a narrow surveillance over him in the interest of their caste. 'At the public sacrifice the priests said the prayer for him, in which they were to enumerate his virtues, and hence enjoyed an opportunity for a tacit but yet effective censure. Even after his death they sat in judgment upon him; and since they alone were the transmitters of history, his posthumous fame was also in their hands. Only a few kings ever attempted to shake off these bonds, in return for which obedience the influence of the priests secured to them glory and the affection of their people.'[1]

Priesthood and monarchy in Asia.

Whilst the two caste-States, India and Egypt, were enabled by their geographical position to entrench themselves in their peculiar form of civilisation, the rest of the Asiatic kingdoms were engaged in continual warfare with each other, and with various alternations of supremacy. The necessity of constant wars will cause existing classes to be tolerated, but will not create any immutable divisions of society. In the Zend-Avesta we find four classes—the Priests, Warriors, Agriculturists, and Artisans. The Priests—the Magi of the Medes and Persians—form a hereditary caste; but strangers are received into their ranks. A priesthood, however, which had not the authority of other castes to support its own pretensions could not, therefore, assert, in the face of royalty invested with a religious sanction, so independent a power as was possible in States where caste prevailed. In the prophet Daniel we see Nebuchadnezzar treating with the utmost arbitrariness and rigour the Chaldæan priests, who reduced astrology to a system. What history reveals of the political life of Asia is the absolute character of Asiatic despotism. The king represents the Deity; his palace is also the temple. Of an independent administration of law and justice, such as in Caste-States is exercised by the priests, no traces exist.

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[1] Schnaase, *Geschichte der bildenden Künste*, vol. i. p. 288.

Priesthood in Greece.

A different atmosphere surrounds us the moment we enter the region of classical antiquity. Like all the heathen religions, the Greek bore originally the character of a polytheistic deification of Nature. But the plastic precision of the Hellenes, and their sense of the beautiful, moulded these personifications of Nature into free, divine beings, who move within, but also overstep, a sphere of their own; who busy themselves more with man than with nature; who share the form, the passions, the imperfections, of mankind, and for this very reason are drawn into the range of sensuous perceptions, and conform to a purely human standard of conduct. The absence among the Greeks of any priesthood, in the Oriental meaning of the word, corresponds with their sense of political liberty, and of the importance of the State. In earlier times the princes and heads of tribes are invested with priestly attributes, and perform religious services for their people, like every father of a household for his family. Besides those, we find, as early as the heroic period, priests set apart for those branches of worship which require a peculiar qualification, in addition to augurs and soothsayers. From these elements arose a special priesthood, when the temples and other sanctuaries dedicated to the gods demanded a numerous body of servants; but the political sense of the Greeks was too matured to allow them to become an entirely separate caste. Much as the priests were honoured, they were regarded, nevertheless, as the servants of the State. The worship of the gods itself had, with few exceptions, the character of a national celebration, held publicly and in common.

Religious character of Greek nationality.

At the same time the social and political condition of the Greeks was intimately connected with the worship of the Deity, which, in fact, closely concerned the State for this reason, that the State itself was regarded as an institution of the gods, whose wrath as well as favour extended over the whole community. This idea is expressed in the worship of Hestia (Vesta), as the goddess of the community of the State, who guards the sacred fire of the public hearth. But the relations of the State in Greece towards religion were confined to mere externals, to the form in which the national consciousness sought to embody religious ideas. Religious worship was to the Hellenes the necessary element of nationality, and the State, accordingly, on its part used its influence to preserve it and to give it form, not only extending to it civil protection, but taking part in it by erecting temples, and by means of sacrifices and festivals. No public act of importance in their deliberative assemblies, in the conduct of official matters, and the administration of justice was performed without religious ceremonies. At the foot of their citadel, the Acropolis, which enclosed the most ancient and most sacred kind of worship, stood the market-place, where their political assemblies were held. Common religious services and the common celebration of festivals were substantial bonds of union to knit together single communities of the same State like separate States of the same race.[1] The State questioned the oracle on its affairs; it deposited the national treasures in the temples; the first dawning notions of the Law of Nations were put forward under the protection of religion, and clothed with the sanctity of its forms. But it was only the external side of religion, the outward homage to the gods recognised by the laws, which engaged the notice of the State. As, according to Greek ideas, piety consisted only in the customary and legally-established worship of the gods, so also the devotional expression of worship was regarded simply as an outward and due observance, which the deity had a right to enforce, and which dared not be withheld without giving to other sections of society the dangerous example of a violation of the law. While, therefore, the State did not concern itself in any way with the religious belief of its subjects, it punished every neglect of the lawful and due worship of the gods, whether such neglect were manifested by actually injuring the holy places dedicated to their service, or by insulting or otherwise attacking the national belief. Everyone was free for himself to believe in the gods or not, but directly he declared his unbelief in public, and communicated it to others, then the State authorities stepped in to punish, because the consequence of such principles is to make the worship itself appear unnecessary, and thereby draw down upon the State the wrath of the gods. Thus Protagoras was banished, and his works publicly burnt, because he declared that no one could know whether there were gods or not. Thus Socrates was condemned to drink the poisonous cup of hemlock, because he repudiated the gods of the State, and attempted to introduce new ones. True it is that the ridicule heaped in Greek comedy upon the gods stands in strange contrast to this principle; but in the first place this occurs at a later period, and even then its toleration by those who were otherwise staunch Conservatives, may be explained by the fact that they anticipated no danger to religion from such representations of burlesque.

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[1] A Greek equivalent for fellow-citizens was *ἐνσπόνδοι*, or fellow-worshippers of the same divinity.

Every State now arranged in its own peculiar manner

System of State worship.

the worship of its recognised gods; for although the chief divinities of the national belief were universal, still the attributes and importance of each were by no means the same in different places. A god who in one State was the chief object of veneration occupied in another only an inferior position. Thus Athens had her Pallas, Sparta her Apollo and Athene, the Achaian cities Poseidon; Olympia had Zeus, Argos Hera, and Bœotia Dionysos.

These deities, thus chosen by each State for its peculiar care, were also the especial objects of the formal, official worship which, in contrast to domestic and private ministrations, embraced the whole field of public religion as well as all religious acts undertaken in the name and according to the regulations of the State. Such acts were the prayers and sacrifices in the assemblies and courts of justice, the ratification of peace, treaties, and more especially the great festivals and mysteries celebrated by the State in honour of the chief divinities of a particular district, as the Dionysiæ, Eleusiniæ, Panathenæ, and Thesmophoriæ.

Innovations in the system of worship were forbidden in more ancient times under threat of punishment; the introduction of foreign gods resembled the smuggling in of foreigners to the citizenship. But as the latter privilege could be granted to foreigners by law, so the State could by legislation admit foreign modes of worship by the side of the native one; and in doing so it attempted to effect a fusion, as far as possible, between the old and new systems, by associating and connecting the new god with localities of the old home. The introduction of new kinds of worship was usually a consequence either of the migration of the tribes to new habitations, or of a union, peaceful or forcible, between several previously separate communities, each with its own peculiar worship, into a State. But it also owed its origin to the fact that foreign but private forms of worship, being tolerated, so far as they did not aim at supplanting the native gods, among foreigners resident in the country, were gradually admitted into the public religion of the State. From these counteracting influences arose in time, and to an extent which corresponded with the variegated richness of the entire culture of Greece and the constitution of her States, numerous varieties in the worship of the gods, new forms of mythology, and institutions of religion.

Civil and religious decay in Greece.

The religion, however, of Hellas, like her civilisation, contained the germs of decay. With the growing demands of public worship, which at Athens, for instance, led to a sixth part of the year being set apart as festival days, the true significance of just the most time-hallowed and sacred customs—called, in fact, πάτριοι, or *inherited*—which were short and simple, fell gradually into oblivion, while the newly-recognised festivals (ἐπίθετοι), at once long and brilliant, displayed vast pomp with little genuine religion. The entire system of worship soon degenerated, partly into a perfunctory compliance with custom, partly into a pretext for mere sensuality and an inordinate desire for enjoyment. This result was hastened by a series of philosophical sects, following each other in quick succession, and each more inclined to materialism; as well as by the invasion of new-fangled kinds of worship of foreign, and mostly Oriental, origin, celebrated with a pomp which became the mere exhibition of a foolish emulation in extravagance, frivolity, and sensuality, exhausting the resources of the State, and rapidly lowering the morality of the people. In this way the authority of the ancient religion was deprived of its local and national bases, the roots of its original vitality and strength; and directly the protection of the State deserted her, she sank inevitably into a rapid and complete extinction.

State-religion of the Romans.

The Romans felt even more deeply than the Greeks the power of religious belief. 'Nostri majores, religiosissimi mortales,' says Sallust. The fear of the gods was considered the firm bond of union, which held together all the classes of the commonwealth. Each family had its own domestic gods, and participated in the common rites of the 'gens,' through these, in the rights of the 'Curia,' and finally in the worship of the State. In contrast to the rich variety, the exquisite sense of the beautiful, and the poetic splendour of the Hellenic mythology, in the religious system of the Romans all was in unity, earnest, national, practical, and arranged with the closest reference to the State. As in Rome the omnipotence of the State finds its clearest expression, so religion was there a State-religion in the full sense of the term. 'The State was a community of kindred race, intimately bound together by their worship.'[1] Religion was nurtured by the State not only because the gods favoured the prosperity and greatness of Rome, but also in order that their will might be done both within and by the State. The State, therefore, from the very beginning, assumed the direction of public worship. The kings, in their time, were at once judges and high-priests: they personally performed the sacrifices offered in the name of the State; they superintended all religious ceremonies. After the three tribes of the Ramnes, Tities, and Luceres had been consolidated into the Roman people, and the rule of the kings had reached its end, the State-religion was so regulated that the public services were properly performed and the reverence justly due to the gods maintained. Fifteen priests, or *flamines*, administered the worship of particular divinities. The knowledge and preservation of divine law was entrusted to a priestly brotherhood, consisting of four pontiffs and a *Pontifex Maximus*, who took care that no Roman should serve foreign gods, that to the gods should be given their due, that nothing of importance should be undertaken by the State without previously ascertaining from auspices their will, and then only on days pleasing to them; that festivals should be kept, that international rules should be observed towards other nations, that no one should touch things consecrated and set apart, besides a multitude of other and similar duties. The power of this fraternity was all the greater from being practically uncontrolled in the interpretation of this divine law. They punished the transgressor with a kind of excommunication, which excluded him alike from all religious and political fellowship.

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[1] Becker: Marquardt, *Röm. Alterth.*, vol. iv. p. 62.

Patrician priesthood.

The administration of the State-religion, like the exercise of political rights, was limited to the patricians. As they alone could conclude a perfectly valid marriage, as they alone enjoyed the right of voting and of occupying political posts of honour, so they only were qualified for priestly functions and spiritual dignities comprehended under the *Jus Sacrorum*. The plebs were excluded from all active share in such matters; their authority ceased with the limits of the family; their purely local divisions, the tribes, had no religious service in common like the patrician *curiæ*. They achieved their sacerdotal together with their political rights. With the Consulate they obtained admission to the Decemvirate, and soon afterwards to the colleges of pontiffs and augurs; but it was not until the second Punic war that the election of the *Pontifex Maximus* was vested in the whole body of the people. Thenceforth the same persons filled the highest priestly and political offices, the *rex sacrificulus* alone being always chosen from the patricians; and with this restoration of the unity of the State, as regards

Growth of the plebs.

Admission of foreign deities.

spiritual and secular government, began the most brilliant epoch in Roman history. The different provinces and cities, like the State itself, had their peculiar systems of religion, in which they worshipped their tutelary deities, and which were closely interwoven with their political constitution. The Roman State, in other respects so rigidly centralised, respected religious liberty: she practised in these matters perfect tolerance towards all nations subject to her rule, and was careful not to violate the belief of the conquered, thereby mitigating the pressure of her yoke. Rome proper, on the other hand, as opposed to the State, was for a long time intolerant of foreign modes of worship. The circle of the national deities was only slowly and under exceptional circumstances enlarged; and stress was laid on the condition that the new modes of worship should not injure or prejudice the old; since the introduction of new cults, no less than the adoption of foreign customs, easily weakened the bonds which preserved the unity of the State. Hence the admission of foreign gods remained exclusively dependent on the State. As it was not poets and prophets, but kings who had established the original religion of the State, so the latter in after times regulated the reception of new religious usages, rejected all that conflicted with customary morality, and secured to every part of the population its share in the public worship, which contributed, by its external support, to the satisfying of a religious want. Magistrates, as well as priests, were subject to the decrees of the Senate and the people. With the growing size of the Roman Empire, and the increasing intercourse with other nations, conceptions of foreign deities began to operate upon the religion of Rome; and it is remarkable that the same foreign worship, that of the Asiatic Cybele, which, as the worship of the mother of the gods (μήτηρ θεῶν), first broke through the circle of native deities in Greece, found an entrance at Rome under the name of *Magna Mater*. To this were added the representations of the Greek mythology, but with the colouring of a period when the sceptic philosophy of the Greeks had long since undermined the faith in their native gods. This influence, feared already by Cato, could affect Rome only in the sense of a rupture between the higher and more educated classes of society, in whose hands virtually rested the government of the State and the national religion. Cicero and Cæsar had publicly in the Senate declared their unbelief; and their opinions found their most rugged expression in Lucretius, who scoffs at all religion as the offspring of fear and the imagination, in order to substitute Materialism in its place. Nevertheless a long time elapsed before this scepticism effectually subverted the ancestral faith. The mass of the people, which in matters of religion is always thoroughly conservative, held fast to the *dii patrii*, with whose worship their whole life was so intimately interwoven; and in this adherence they were eagerly supported by the Government. 'As the Grecian world still required the gods for the purposes of art long after men had ceased to believe in them, so Rome required her gods for the purposes of the State. In everything, moreover, which constituted the *rôle* of each particular nationality in the history of the world, national religion for centuries still found its sure support.'[1]

Inroad of intellectual scepticism from Greece.

The Roman statesmen, who themselves were addicted to the tenets of Epicurus or the Stoa, freely recognised the importance of religious belief for the masses. Religion remained in their eyes a valuable instrument of power, which the State could not dispense with without endangering its safety. The most significant example of

Political aspect of religion in Rome.

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[1] Hundeshagen.

this view is offered by Terentius Varro, the contemporary of Pompey and Cæsar. His sober temperament revolted from the sensuous tendencies, as well as the philosophy of the Greeks, which promoted the contempt for a hereditary faith, without securing anything better in its stead. He himself sought from physical causes an explanation of the old Roman religion, but he was far too practical a statesman to believe that any such explanation could satisfy the people. He did not wish to delude them, but, like Cicero, he desired to see them encouraged in their ancient belief, because he considered such belief essential to the political welfare of Rome. The emperors pursued the same policy. Augustus tried hard to strengthen the State-religion by legislation and by his own personal example. Nero offered abundant sacrifices to the gods; and the aristocracy retained a personal share in the public worship by their membership of the superior priestly colleges. But scepticism, nevertheless, spread in ever-widening circles. Although Polybius reckoned it among the advantages of the Roman State that its entire economy was based upon belief in the gods, yet his opinion was that this had been done from the very first for the sake of the masses, who being frivolous by disposition, are inclined to sudden anger and excesses, and can only be restrained by invisible objects of terror. And still more frankly did Strabo declare that the multitude could not be brought to practise piety and virtue by means of philosophy, but only by superstition, by fables and marvellous fictions; and that of such-like elements the whole of mythology was composed.

In the course of time this became the general opinion, which Plutarch, who himself adhered firmly to the ancient belief in the gods, thus roughly epitomises:—'We pretend prayers and worship from fear of the multitude, and pronounce words which rebel against our own convictions. In the very act of sacrifice the priest who slaughters the victim appears only like a cook.' But this purely outward worship was devoid of all inward support, and the people gradually learned to feel that the participation of the higher classes therein was a studied hypocrisy. As it was intended to assist in maintaining the stability of Rome, so its conditions presupposed the stability of the Roman State. When the latter, apart from the progress of religious scepticism, was hastening irresistibly to its dissolution, the sole remaining import and meaning of the religious system were naturally bound to disappear. This, in fact, had already occurred before Christianity came into a more serious conflict with the lingering State-religion, which custom alone preserved.

Among all the nations, therefore, which in ancient times appeared as the chief guardians of civilisation, we find the closest alliance between religion and the State, because all of them recognised clearly the power of religious belief over the minds of men. It is clear that whenever the religious element is wanting, which manifests itself in loyalty and faith, in moral discipline and rectitude, and in self-devotion to others, the State cannot prosper. Of all these moral forces which cement the community, the foundations, as well as the support, are found in religion. But with all the nations we have mentioned religion was purely national. As a Natural Religion it had the natural spirit of the people as its basis. Only the member of this special particular national community could enjoy intercourse with, and expect any favour from, the national gods. Identity of worship constituted the unity of the State: it was forbidden to the Roman citizen to honour foreign deities.[1] Foreign nations might have their gods and keep them; no one wished to disturb them in that respect; but, politically as well as religiously,

National character of heathen religions.

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[1] Separatim nemo habessit deos, neve novos. Cic. de Leg. ii. c. 8.

the barriers of national isolation were maintained so long as neither political considerations nor indifference prepared the way for the admission of foreign cults. Finally, moreover, as Hundeshagen pointedly remarks, all alike agreed in confessing that sense of dependence upon the Divine, wherein religion consists, in the twofold expression of the power of the gods and the fear of that power by man. The gods, it is true, were revered as the guardians of justice and the avengers of evil, of all blood-guiltiness, of perjury, and of similar crimes; the laws were under their protection, and praiseworthy practices were sanctified by their commands. But man invariably associated them with the conflicts in which his life was passed. Preaching moral idealism for its own sake was no concern of the ancient religions; wherever we meet with this, it is in the philosophy of single exalted intellects, which were not satisfied with the popular conception. On all these points we find the exact converse in Christianity; but, before we proceed to examine the principle of the relations of the latter with the State, we have still to cast a rapid glance at its predecessor, Judaism, which also presented such a marked contrast to all heathen religions.

CHAPTER III.

THE JEWISH THEOCRACY.

Monotheistic Mission of Israel—Judaism not purely National—The Messianic Idea—The Jewish Theocracy—The Moral Law and Covenant—The Law of Ceremonial—The Jewish Priesthood—The Monarchy—The Prophets—Usurpation of the High-Priesthood—Jewish Colonies preparing Christianity.

CHAP. III.

Monotheistic mission of Israel.

The destiny of the Jewish nation in the history of the world was to preserve, in the midst of Heathendom, the principle of Monotheism, or the belief in the One True God, until the time was fulfilled when this belief was to receive its consummation by the advent of Christ. This exclusively religious mission of the nation demanded, as a necessary condition, a theocratic constitution. The Caste-States of the East and the Catholic Church of the Middle Ages both present to us the picture of a Hierarchy; the Dalai-Lamas, who assert that God continually embodies Himself in them, are impostors self-deceived. Israel is the only true theocracy which has lasted, the only example in history of a community built entirely on a religious foundation. God Himself, and He alone, is the true King and Ruler of the nation; the earthly kings, judges, and priests are only His representatives, and their government, therefore, exhibits a manifold series of changes. It was only such a penetration of all social and political institutions by the one leading religious idea which was able to realise the providential mission of the nation.

This view, however, is disputed by modern criticism. It has been pointed out that other nations had likewise a

Supreme God—Indra, Bramah, Kneph, and Zeus—that Moses, initiated into the mysteries of the Egyptian priesthood, had been merely the superior mind, who elevated this idea of a Supreme God to that of the only One, and had the boldness to make Monotheism the basis of the religion of an entire nation, by preaching to the people Jehovah, in contrast to the Egyptian gods, as the forgotten God of their fathers, Abraham, Isaac, and Jacob, in their ancient home, which had to be regained. He had then, it is said, instituted the priesthood as a hereditary class, who held a position precisely analogous to, though more important, than that in the caste-States, and, being more enlightened than the priests of India and Egypt, promoted the full development of the nation from a definite religious point of view. When these priests showed themselves no longer equal to the task, Samuel founded the School of Prophets; and it was the Prophets who, even in periods of decline, preserved the monotheistic idea in all its purity. It was a necessary part of this scheme, in its correct interpretation, that ultimately the belief in One God should break through all barriers of nationality; but Jehovah had been to the Jews a God quite as exclusively national as Bramah to the Hindus, or Zeus to the Greeks. Not until under the pressure of the Babylonian Captivity had the idea arisen of regarding this God as the God of other nations as well. The longing for release from exile had matured the hope of a deliverer, and not till then did the idea originate of a Messiah. The Prophets had only hoped for an earthly king, who should lead the people out of captivity to a renovation of national power and glory.

If this theory is the correct one, then of course the whole idea of a Theocracy falls to the ground, and the history of Israel becomes that of a Hierarchy. But its correctness I deny, not however, because I contest the right of criticising the books of the Old Testament, a right which, on the contrary, I acknowledge to the full. The idea of a mechanical inspiration, according to which the Holy Writ is literally and absolutely dictated by God, is untenable and inconsistent with the undoubted contradictions between the different writers in matters of detail. The origin and composition of the books of the Old Testament according to time, place, and authorship, is a matter of historical examination and scientific proof; the belief in the Divine contents of Scripture, transmitted in human form, is entitled to full authority only when those writings have stood the fiery ordeal of criticism, and poor indeed would be the intrinsic worth of those immortal records, if that ordeal were more than they could endure. No mere arbitrary assertion that such a critical examination is presumptuous will suffice to disarm it, and the less since it is well known that the most eminent Fathers of the Church, such as Origen, Clement of Alexandria, Jerome, and others, did not take their stand on such ground—did not, for instance, believe that the five books of Moses, in which the death of Moses himself is narrated, were written by Moses in the form in which they lie before us, but that the Mosaic records, undoubtedly contained therein, were supplemented at a later time. But a criticism of the sources of this kind does not affect in the slightest degree the great, pervading, fundamental truths of the Old Covenant; as little, indeed, as the character of the Christian Revelation can be injured, when, by an examination of the oldest manuscripts, the result is arrived at that the last verses of the Gospel of St. John are not the genuine writing of that Apostle. A truly liberal, but also strictly historical and comprehensive criticism, which does not stick singly to details, which does not lose sight of the forest on account of the trees, but steadily surveys the whole field of development, can never arrive at such conclusions as we have sketched. It is only a criticism which aims at dissolving the whole history into legend, on account of the imperfections of the human form in which all revelation must be clothed, that can so comprehend the Biblical exposition of the Old Covenant. No one handles Roman and Greek history in this fashion, neither must Jewish history be so treated. This is not the place, however, to enter into all the details of this argument: I only put forward a few of the most important points.

The step from a Supreme God, who stands above others, to a single God involves a distinction not of degree, but of kind. In Polytheism a graduated order of rank applied to the gods is as natural as the classification of human society upon earth; and accordingly we find it everywhere repeated even in the pantheistic religions of Brahma and Buddha. But this hierarchy of the gods is no necessary step to Monotheism; on the contrary, the latter existed nowhere in the whole heathen world. Even among the greatest philosophers of antiquity the idea of one God was only hazy and undefined; and it is precisely on this account that all the classical writers, who otherwise despise the Jews, dwell prominently upon their worship of one invisible God, whom so little do they comprehend as usually to designate Him Heaven or Kosmos. Then, as to the knowledge of this One God, not a word is told us anywhere about Moses having been initiated into the mysteries of the Egyptian priesthood; it is merely mentioned that the daughter of Pharaoh had brought him up as her son. In this way he might acquire a learned education, but assuredly he could never attain among the Egyptians to the knowledge of the One Supernatural, Universal God. Whatever may have been the Egyptian education of Moses, the national character is stamped conspicuously upon him from the very beginning. He assists his countrymen against the Egyptians; he appears as a simple herdsman, who, so far from spontaneously preaching the One God, actually resists the call; his whole personality as well as legislation exhibits, it is true, power and wisdom of execution, but by no means such an initiative genius as is ascribed to Zoroaster, Solon, or Confucius. The qualities which enabled him to carry out his task, once undertaken, are the same which distinguished the Apostles — namely, religious enthusiasm, an entire devotion to the cause, and inflexible energy. For this very reason he was the fit instrument of God, although his own knowledge of God could only come to him from without. Just as little were the people to whom he preached this One God qualified by their disposition to form this conception of Him intuitively. They possessed at that time but a low degree of civilisation. They were a pastoral people, reduced by a long course of foreign oppression; they had nothing to bring to their deliverer but that receptiveness for the preaching of salvation which suffering had matured. They exhibited, moreover, the same inclination to idolatry as the surrounding nations. How can one derive the Monotheism of the Sinaitic legislation from the noble aspirations of a youthful people? How can it be asserted that they imbibed the doctrine of the unity of God from the commanding impulses of the mind and heart,[1] while this same people fall down and worship the golden calf immediately after having solemnly made their covenant with Jehovah? Do they not again in later times, and up to the period of the Captivity, relapse repeatedly into the disgraceful idolatry of Baal, Moloch, and Astarte, in spite of their having the continual preaching of the One God and experiencing so richly His benefits? The desert is monotheistic, says Renan; but the Arabians in the desert remained idolaters up to the time of Mohammed. Even in their later and higher state of development the Jews appear by no means to have been richly endowed. They were no people of culture in the sense attaching to the Greeks and Romans, if by culture we understand the general and perfect training of the intellectual powers and their domination over the natural world. They never advanced beyond agriculture and the constitution of their tribes: they dwelt beneath their vines and fig-trees; they developed no political institutions; they left behind them no statues and temples of their own, for Phœnicians had to come for the building of their temple. Their sole achievement in art is their religious poetry; and this again is to be explained by their monotheistic revelation, for its imperishable value rests far less upon its literary art than upon its truthfulness and knowledge of the human heart. That this people, so narrow in intellect and so stubborn—a people 'impudent and stiff-hearted,' as Ezekiel calls them—should have conceived of their own accord the principle of Monotheism, or have accepted it upon the sole authority of Moses, and afterwards, in spite of all their apostasy and backslidings, should again and again have reverted to a religious idea which the loftiest culture of classical antiquity had only dimly imagined, is a theory contradicted by all the laws of history, the more so when we consider that this One God is an invisible and spiritual Being, of whom, contrary to what is found in all systems of mythology, no graven image may be made; that He is without sex, the One Absolute, All-encompassing God, while all the supreme deities of Heathendom have a female complement.

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[1] Renan, *Histoire des Langues sémitiques*, p. 6.

If, further, it is represented as a peculiar mark of wisdom in Moses that he should have preached this God as the ancient God of their national ancestors, we must then ask, Why did this preaching take root among the people? Evidently only for this reason, that the tradition of the One God of Abraham, Isaac, and Jacob still lived in their minds, and had grown indissolubly into the history of their race. Moses taught nothing about Divine things, but what was a necessary development of the knowledge of God as revealed to Abraham.

Judaism not purely national.

Again, when it is said that the Jews had regarded their God simply as a National God, as other nations had done, the statement must be described as a misconception. The One God appears in two different characters, which are reflected in the two names given to Him. As Elohim He is the Creator of the world, the Fulness and Fountain of life, invested with the attributes of unlimited power of development, who preserves what He has created, or suffers it to perish if it rebels against His purpose. As the Creator, Preserver, and Judge, God is also the God of the heathen, and He is expressly called so. If the ruling deities of the heathen, by whom the Jews felt themselves embarrassed, appeared as real beings to the Jews, this was the result of the polytheism which surrounded Israel; just as the Fathers of the Christian Church often regarded the same deities as real evil spirits. These deities, however, are distinguished from Elohim by the name of Elilim, or false gods. As Jehovah, God is that God who, out of free mercy, condescends to yet another relation with mankind besides those of Creator and Preserver of His creatures—namely, that of Redeemer or Saviour. As such He is, of course, in the first place the national God of the Israelites, and as such He reveals Himself to them, while the heathen, who have no wish to acknowledge Him, have no part in Him accordingly. But this national barrier denotes merely a period of transition. Jehovah could not be King of Israel in a special sense, were He not also the God of the whole world. In all heathen systems of worship, as we have seen, religion and nationality coincide; they rise and perish together; but in the Old Covenant the union of God with one people is only entered into from the very first with a view to its being ultimately proclaimed to all nations. As the belief in One God was first established in a single family—that of Abraham—in order to implant a new germ of life in the world of polytheism, so, in its destined progress, Monotheism was first to become the basis of national life to one people, in order to communicate its influence to others. Moses exalted the knowledge of God, which Abraham had made the distinctive token of his race, into the State-law of the whole Jewish nation; but the Jews were in so far only an especial object of Divine attention, as all nations were to be blessed through them. Their election was the guarantee of the future re-admission of all peoples; and the national character of the religion of Jehovah contained accordingly from its origin the seeds of a universal destiny. A religion which, as her consummation in Christianity has shown, can loosen herself from her native soil of nationality, in order to gather round her the most various peoples of the earth, cannot be affected by the reproach that she remained confined to Israel. To maintain that this tendency to universality, to the recognition of Jehovah as the God of all nations as well as to the Messianic idea, should, in general terms, owe its origin to the period of oppression during the Captivity, is a pure assumption. Even critics who do not believe in revelation, but are competent judges of historical fact, place the composition of the first four books of the Pentateuch at the beginning of the time of the Kings, while the materials themselves must have been transmitted from a very ancient period. But in the narrative of the life of Abraham the universal character of Monotheism is distinctly contemplated in the choice of a father of the race—'In thee shall all the nations of the earth be blessed.' The

Universality of the Mosaic Law.

nucleus and essence of the Mosaic legislation is by no means specially Judaic, but thoroughly universal in its adaptation. The Ten Commandments will hold good for all ages; the idea of holiness demanded from the people is the first and latest tendency of all religions. We can willingly, then, admit that many passages in the Psalms and Prophets, which formerly were looked upon as Messianic, cannot properly be referred to the Messiah; but assuredly there remains enough in the writings of those prophets who undoubtedly lived before the Exile, which cannot be interpreted otherwise than as referring to the Messianic idea; while the embodiment of that idea in the writings before and after the Exile is in no way that of a victorious king who will lead his people back to their native country by the strength of arms. On the contrary, we have throughout the whole of the Old Testament a continuous chain of the most precise prophecies, as a preparation for Christianity, which are barely veiled in the garb of Jewish nationality. Whilst we find, among the heathen poets and philosophers, the better times not placed in the future, but in the past of a bygone golden age, we have here a predesigned, gradual progress, a picture of the future which unfolds itself, from the first outlines revealed to Abraham, into the finished panorama of Isaiah, and which the greatest artist in the world would never have succeeded in constructing backward. And what else but the idea of a Messiah, which pervades the entire history of Israel, has been able to preserve this wonderful nation up to the present day, in spite of its dispersion over the whole earth, in a position of obstinate and unyielding isolation? Such a result cannot spring from a temporary national oppression. As the bankruptcy of religious life among all civilised nations serves to show, the world required an absolute and direct interference of God, in order to establish anew a religious

The Messianic idea.

principle, pure in character and capable of resistance. This could only be done in a community in which religion was not the means, but the end, which therefore did not possess a State-religion like Rome, but, like Israel, was a religious State.

The Jewish Theocracy.

We need not here enter farther into an examination of the primitive period, the patriarchal age of the Old Testament, when the breach between God and man was repaired. The history of the Jewish Theocracy begins with the exodus of the nation from Egypt and the promulgation of the Law on Mount Sinai. These events are not Jewish legends, but history perfectly authenticated; the narrative of the sojourn of the Israelites in the Land of Goshen, their oppression by the Egyptians, the Exodus under the guidance of Moses, are confirmed to their minutest details by the most recent researches and the discoveries of Egyptian monuments and hieroglyphic records. We find the picture-tablets where the Israelites, beaten by the task-masters, are made to help in the building of the temple of Ammon; an inscription confirms the statement that Pharaoh Mernephtah lost his eldest son, &c.[1] The gist of the story is as follows:—The tribe of Jacob, forced by scarcity, had turned their steps towards Egypt, and, in consideration for the meritorious services rendered by Joseph, a member of the tribe, had been allowed to settle in the borderland of Syria. There they grow into a nation; their numbers excite the fears of the Pharaohs lest in a war they might side with the enemies of the country, and they are reduced once more to a rigorous state of bondage. Moses, prepared by a long course of training, undertakes, at the command of God, to deliver them from this servitude. The hard heart of the Egyptian monarch is moved by a series of heavy visitations; the people go forth from Egypt and are led by Moses to their new-appointed home. They receive, in the first place, an external organisation by being divided into twelve tribes, each of which is presided over by a chief, surrounded by the elders of the tribal societies, who, in concert under Moses, form the supreme council of the nation. This, however, was only incidental to the religious legislation on Mount Sinai. The God of Abraham, whom the sons of Jacob served, when they went down into Egypt, appears in the plenitude of His power as the God who led them forth from the house of bondage, as Jehovah the Deliverer. He reveals Himself to Moses as the One God, who allows no other Gods but Himself; Him alone shall the people worship, as there is only one truth. But this One God is at the same time a purely spiritual God, who as the Creator is eternally above all His creatures, and all the more, therefore, above all things made by man. No image devised by man can correspond with His reality; the manifestations through which He reveals Himself directly to mankind are never His own Personality, but only indications of His nearness. While polytheism, which degrades the gods to the level of humanity, necessarily leads to the worship of idols, the purely spiritual God allows no image, a fact confirmed by the additional testimony of all the classical writers.[1] This One God is holy—that is to say, absolutely good. As such He cannot tolerate, but must punish evil, and He does punish it in those who hate Him; but at the same time He is full of mercy, long-suffering, plenteous in truth and grace, and prompt to pardon sin. He is therefore a punishing *and* a loving God at once; but love is the absorbing attribute of the two, since He punishes only out of love, and thus

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[1] Compare Ebers, *Durch Gosen zum Sinai*, p. 77 sqq.; *La Sortie des Hebreux d'Egypte*, par H. Brugsch-Bey, Alexandria, 1874.

Spiritual attributes of Jehovah.

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[1] See Hecatæus, Strabo, and Tacitus. The Roman soldiers at the conquest of Jerusalem found the Holy of Holies in the Temple entirely empty. Tac. *Hist.* v. 9.

comprises in one those twofold characteristics which are exhibited in all that is Divine, and which in Heathendom always are separated. But the idea of such a One, Spiritual, Holy God enters with such difficulty into the mind of the natural man, and especially of a people surrounded by idolatry, that His exclusive worship can only be enforced by a positive command or law. This injunction does not extinguish inward liberty; the Divine law is not the judicial command 'thou must,' but the moral precept 'thou shalt,' which appeals to the disposition of the mind, and has its foundations in the spiritual nature of man, reasoning with himself by the light of his own understanding. No judicial law can demand that the subject should not *covet* his neighbour's property, that he should honour his parents, that he should love his neighbour as himself and God above all: this the moral law alone can require, whose Author sees into the hearts of men; the former must confine itself to outward and perceptible acts. But the sanction of this moral law does not rest solely upon the human mind which recognises its authority; it is positive, and it was acknowledged by the Jews because Jehovah, the God whose power Israel had experienced, had proclaimed it. So difficult, however, is it for the natural man thoroughly to comprehend this moral law, that even its essence and central precept, the worship of the One God, did not succeed until after a long struggle, and repeated relapses into idolatry, in grafting itself into the national life, and being recognised by the people as the condition of their eternal welfare.

The moral law.

The Covenant.

The form in which the law was given was that of a Covenant, made by Jehovah with the people of Israel. A covenant is a contract founded on reciprocity; and in this case, at its solemn conclusion, the question was thrice put to the people whether they would carry out the Divine command, and after they had thrice answered in the affirmative, the promise followed that God, on His part, would continue to manifest Himself to Israel as Jehovah, the Redeemer. It was therefore a covenant of freedom, which contained the clearest recognition of the dignity of the human personality, but which carried with it the condition, 'If ye obey my voice.' God will be their King, but a spiritual, not an earthly King; they are to be His people, a people of priests, and God alone is to be regarded as their Head. He will dwell among them—in other words, be ever present in their midst—and His presence is to be symbolised by the Ark, and afterwards by the Temple. Their worldly rulers are only His representatives; all human authority is in the Old Testament merely the effluence of Divine Power; the law is declared in the name of God; to appear before a court of justice is called to appear before Him. God, indeed, is the Fountain of law throughout all legislation. Solon and Confucius concurred in deriving their laws not from arbitrary notions of justice, but from their rational faculty, which distinguished right from wrong; but for Israel Jehovah is not only the Fountain, but the immediate Authority of their law. 'For I, thy God, have said so.' And because the executive power acts only by Divine commission, its forms change, and the people have now a republican, now a monarchical constitution. The latter is as compatible with Theocracy as the former; Theocracy, in fact, is not opposed to human government at all, but merely to an independent form of government, resting on the assertion of its own right. It cannot be pretended that the Sinaitic legislation embraces everything that was considered as law in Israel; it lays down very few rules on questions of civil law, and yet this people, like every other nation, during the period of their advancement must have had laws relating to buying and selling. Those matters alone are determined which cannot be left to the process of natural development. God punishes only the disobedience to His own law, because the entire fabric of the law is designed for the preservation of Monotheism, which was the mission of Israel in the history of the world. The punishment for apostasy is frequently far more severe than that inflicted on the heathens, for the latter have only the law of nature, not the positive law of God, and the measure of the chastisement always corresponds to that of the offence. It is the very prerogative of Israel to know by direct revelation the will of God, and by His laws accordingly the imperfections of natural reason are dispensed with, and the fundamental basis of morality established for all times.

The Law of Ceremonial.

It has been alleged against this character of the Sinaitic legislation that the Law of Ceremonial was put on the same level with the sublime and eternal laws of morality, and that the observance of these outward precepts was exacted with the same scrupulous preciseness as the exclusive worship of God and the love of one's neighbour. But the obligation of the Law of Ceremonial in no way involved the consequence that its observance should exhaust the entire field of duty. This notion was the Pharisaical perversion of the Law, which kept clean the outside of the platter, and thought to have satisfied the Law by fasting and sacrifice. Nevertheless, the outward law of forms and ceremonies became necessary as a safeguard against the polytheism which surrounded Israel; and for this reason it is called a hedge round the Law. It was the 'taskmaster for liberty' to a people still prone, from their sensuality and selfishness, to the worship of Nature. To the mind of the Oriental the inward essence is so intimately allied to the expression and symbol he finds in the outward form, that where these are wanting, the former easily escapes him as well.

On this account alone is such stress laid on the outward form, though it remains distinctly subordinate to the inward essence to which it gives expression. 'To obey is better than sacrifice,' it is written; and in Isaiah Jehovah exclaims, 'To what purpose is the multitude of your sacrifices unto me. . . . Bring no more vain oblations; your incense is an abomination unto me;' and again, 'This people draw near me with their mouth, and with their lips do honour me, but have removed their heart far from me, and their fear toward me is taught by the precept of men.' The Ten Commandments alone were deposited in the Ark as the sum of the fundamental and eternal moral law of mankind. For this very reason the Law of Ceremonial did not remain unchanged, but adjusted itself to the circumstances of the nation. A code of regulations which were only intended for a settled people could not be applied to their wanderings in the desert; and with the fulfilment of the mission of Israel that perishable hedge round the Law collapsed, in order to let merely its eternal essence remain.

The Jewish priesthood.

In order to secure the maintenance of the Law, Jehovah instituted the priestly order. The latter possessed no secular authority, and occupied no political position; it was no hierarchy, but simply a religious corporation. 'The priests' lips should keep knowledge, and they should seek the law at His mouth'—in these words Malachi describes the duty of their order. The priest was to perform pre-eminently that which was demanded of all—namely, to lead a holy life, to devote himself to the service of God, and to know the Law. He was to be, as Ewald pithily expresses it, an Israel, as it were, in Israel, to stand, as Moses and Aaron stood, the inviolable head of the community, though the rest of the people might fall. The order was hereditary, because, however simple the fundamental truths of the Law, their full execution would necessitate a long struggle to form the character of the people, and because the intricate nature of the law of ritual required the hereditary transmission of its knowledge, and a systematic education for the priesthood. It was hereditary in one tribe—that of Levi—because in the tribal classification of the nation the aggregate of the families which composed that tribe was the most capable of performing such duties. At the head of the entire order was the High-Priest. Its separation was not absolute; the sons of David were priests, and judges and kings executed priestly functions. Israel itself, in conformity with her essentially religious character, preserved her unity, at the earliest times, in the office of High-Priest alone. In like manner as, for the conquest of Canaan, Joshua, as the successor of Moses, assumed the leadership of the nation; so also, in later and critical times, persons of pre-eminence came forward as military leaders and judges, without laying claim to any worldly dignity. Gideon declines the proffered rule; Abimelech, his degenerate son, who wishes to usurp it, falls. But when, later on, the dignity of the High-Priesthood is disgraced by the degenerate sons of Eli, when the worship of Syrian divinities effects an inroad, and leads to internal discord, of which the foreign enemies of Israel take advantage, then the necessity for order requires a different and more stable constitution, in order to re-establish the unity of the national life.

The monarchy.

The people, by demanding a king such as the surrounding heathens possessed, declared at once their incapacity for the purest form of Theocracy, in which the one sole King is invisible. On that account their demand is granted by Jehovah with some unwillingness, yet granted nevertheless, because an earthly kingdom does not in itself contradict Theocracy; and He now selects the kings as instruments for his scheme of salvation. In David the kingly dignity reaches its full consummation. He is the type of a ruler after God's own heart; a true king, who does not, however, exalt himself above his brethren, but recognises their equality of rights by entering into a compact with the elders of the nation. He is warrior and minstrel; he defeats the enemies of Israel, and gives to the priestly and liturgical service a new and more settled constitution. Sprung from the ranks of the people, and yet a priest; not without his faults, but even after his grievous fall still obedient to the chastising voice of God, he endeavours to subject his will into harmony with the will of his Creator. And as David shows himself the true king of Jehovah, his people accordingly feel themselves under him to be the people of Jehovah, with a purer conviction than they had ever experienced before. The nation finds itself once more represented in its king, who secures for it its natural centre by founding Jerusalem. With his son Solomon, who completes this work by the building of the Temple, begins already the decline, which is soon followed by the disruption of the people into two parts.

The Prophets.

Prophecy now assumes a prominent place, a phenomenon quite peculiar to Israel, and one which becomes all the more important as the moral strength of the people declines. It presents the most direct contrast to the oracles, which were invoked for temporary objects, and which spoke in language purposely obscure and never without respect to the person. The Prophets, on the other hand, who came forward without any external means of power, appear as the supreme exponents of the spiritual import of the religion of Jehovah, in contrast to the priesthood, who are restricted to the administration of outward worship. They address themselves to royalty, the image of human authority, unasked; fearlessly they denounce national sin, whether it presents

CHAP III.

itself in the tyranny of the king, the corruption of the priests, or the blind passions of the people. They vindicate the belief in the One God against the apostasy of idol-worship, and the rights of national independence against foreign oppression; but at the same time the earnest of that future is vouchsafed, which is to fulfil what Jehovah has promised to His people. While preaching repentance to the people and calling them back to the faith of their forefathers, they reveal to Israel the prospect of deliverance and regeneration; and connecting this prospect with the recorded conditions of history, they look forward to a grand but gradually-unfolded consummation; they are, in short, the links between Moses and the Messiah. We meet with them already at an early period: Samuel institutes the free-schools of the prophets when the priesthood are no longer competent for their duties; prophets appear likewise under David, but prophecy does not attain its zenith until the real decline of the nation. The prophets, who were neither priests nor monks, arise from the most various ranks and families of the people by the free call of God. The revelation vouchsafed to them operates, of course, as an overmastering Divine influence, but, so far from destroying their human individuality, it gives scope and exercise to its loftiest endowments. It was their mission to reconcile once more the people to the will of God, and to prepare them for the fulfilment of His command. For this purpose they were permitted an insight into the Divine decree and its future operation. Speech is the highest faculty of the individual; the most exalted speaker is he who declares the will of God, and accordingly they are called *Nabi*, or interpreters. As Aaron is called the prophet of Moses, because he interprets the words of his brother to Pharaoh, so the prophets are the interpreters of the will of Jehovah. But as human creatures they can only clothe Divine Truth in an earthly garb, and naturally are restricted to the circle of ideas peculiar to their time and surroundings.

With the return from the Babylonian Captivity prophecy had fulfilled its appointed task. A large portion of the people had come back to their native homes, but the sun of national independence had set, and heathen supremacy continued with brief interruptions. With redoubled energy the people rallied round that faith which they had learned to know as their special Charisma under the pressure of captivity and in the midst of the heathen. Henceforward we hear no more of apostasy to polytheism; the nation clung with the most fervent attachment to the saved writings of the Old Testament, which were gradually embodied into a canon, and interpreted and considered in all their aspects.

Usurpation of the High-Priesthood.

But while the nation, now independent, concentrated its energies upon religion, it secularised its religious organisation. The High-Priesthood became its head, and to attain that object a series of contests followed, as with other nations, for the throne. The struggle of the Maccabees for freedom was only a momentary gleam of light in this dark period; they were unable to prevent the High-Priesthood from gradually usurping the position of a secular princedom, whose first object was to monopolise the reins of power. The people split into theological and political factions. The Sadducees, as friends of the Hellenizing Court party, endeavoured to adjust the peculiar position of Israel in harmony with the Greek civilisation which surrounded them, but by so doing they degenerated into an Epicurean worldliness of mind. The Pharisees, on the other hand, as the friends of the people, strove zealously for the religious traditions of the nation, and preserved by their endeavours the purity of the religious law through the means of human ordinances and ceremonies. The latter were conservative

The Sadducees and Pharisees.

demagogues; but both sides made capital out of religion in the interest of their party, and increased the general confusion till it brought about the complete dissolution of society.

Jewish colonies preparing Christianity.

The only task still left to the people was to pave the way for the preaching of the Apostles by the extension of Jewish colonies in those countries which surround the Mediterranean. Ever since the Babylonian Captivity there had been a Jewish *Diaspora*, which was rapidly increased by war, imprisonment, and emigration. Strabo narrates that in almost every city a Jewish colony had been planted. These colonies had their centre in the synagogue; the collapse of the ancient world brought them numerous proselytes; and here were formed the headquarters for the proclamation of the new doctrine. As to the Jewish nation itself, judgment overtook them, after their rejection of the Messiah, in the form of their dispersion; but when the High-Priest in despair stabbed himself upon the ruins of Jerusalem, a firm foundation had already been built for the new community, which was destined to give new youth to the old world now decayed away.

CHAPTER IV.

THE STATE AND CHRISTIANITY.

Denationalising Effect of Christianity upon Religion—The Invisible Kingdom of God—The Church its Visible Counterpart—Destined Unity of the Visible Church—The Christian Conception of State Obedience—Political Hatred of the Jews against Rome and against Christ—Christ's Answer as to Payment of Tribute—Apostolic Doctrine of State Obedience—Conditions of Passive Resistance—The Scriptural Command of Obedience a General Moral Sanction—Silence of Scripture as to Political and Social Relations—Christian Principles of Church and State inferred—Fundamental Law of Church Liberty—A Christian State.

THROUGHOUT antiquity we find the essence of religion associated with nationality. The religious community is contained in the political community of the State; the *jus sacrum* is part of the *jus publicum*. In the religious State of Israel a people was singled out as the depositories of belief in the One True God, in the prospect of and the constant preparation for the time when the barriers of nationality should fall down. But with the fulfilment of this mission the sole sufficing reason for Theocracy had disappeared. As an earthly institution it had become obsolete and lost its object since the time when Christ proclaimed the God of Israel as the God of all nations; for now it is no longer the citizen of the State approaching the gods of his forefathers, or the Israelite his Jehovah, who led him out of Egypt, but Man face to face with his God, his Creator, Father, and Redeemer. In Christianity, as there is 'neither bond nor free,' so also there is 'neither Jew nor Greek.'[1] Religion severs itself from nationality, and

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[1] Galat. iii. 28.

Religion denationalised by Christianity.

through the conviction of its being the only true one, is to embrace within its folds the whole of mankind, the whole of the inhabited earth (οἰκουμένη). In Heathendom, through the deification of the material world, religion was absorbed in the State; but this confusion of the two laid the germs of dissolution in each. In contrast thereto the words of Christ, 'My kingdom is not of this world,' mark a crisis in history, the birth of a new movement which was to assign to each of the two powers, the State as well as the religious community, their separate province. While in Heathendom as well as Judaism the communities of the State and of religion intermingle, Christ opposes to the world—that is to say, to the aggregate of human development, as effected by Nature without revelation—the kingdom of God, of which He is the Founder, as an independent and purely spiritual community, linked together by a common belief. Christ Himself is its King, avowing Himself such before the Sanhedrin, whilst He holds aloof from the Jews, who wish to make him an earthly monarch. His Kingdom does not come with outward show; it is not defended against its enemies by the sword or with worldly instruments of power, although it is destined to triumph over all the hostile powers of the earth, and manifests from the very first the full assurance of its victory. Its weapons are purely spiritual, the strength of faith and of prayer. It is founded upon a community of the heart, and therefore will admit none who does not turn towards it of his own free choice and determination. It demands from its adherents an unequivocal declaration of faith, but a spontaneous declaration; it rejects all external compulsion, without which the State cannot exist. It abstains entirely from prescribing a law for civil life: Christ declines to pronounce a decision in controversies on legal points.[1] It demands, indeed, of its members far

The invisible kingdom of God.

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[1] Luke xii. 14.

more than the most rigorous law can lay claim to, but it asks for obedience to its commands only from free love. It strives to change the heart of man, and knows that when this change has been effected, the new spirit which it brings will fulfil by its own action all the provinces of life. It will in no way destroy those foundations of society which originate and coincide with human nature, but for its own objects it recognises neither more nor less privileged generations, classes, or nations. Even in its enemies, as Augustine says, it sees its future subjects; in it there is 'neither male nor female,' no difference between high and low, rich and poor, for there is a diversity of gifts, but *one* spirit is to rule them all. In antiquity the relations of man to the Deity were eminently those of membership of a national community for worship. Christianity deals only with the individual; it recognises no priestly order which by its own authority can absolve from sin and obtain mercy by mediation. The new creature alone avails, the regeneration of man brought about by faith in the Redemption.

This Kingdom of God, the community of all believers, who acknowledge Christ as their Head, since from Him they receive life, nurture, and growth, must necessarily, to complete its destined education of man for the loftiest purposes of his calling, assume the form of an outward and visible institution, in conformity with the law of all that is earthly, and because no community here on earth, however spiritual it may be, can exist for any length of time without a settled order and constitution, or work without earthly instruments and means.[1] This visible,

The Church its visible counterpart.

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[1] Christ therefore speaks constantly of the Kingdom of God (*βασιλεία τοῦ θεοῦ, τοῦ πάτρος, τῶν οὐρανῶν*), but only twice of its future visible organisation, the Church (*ἐκκλησία*). First in Matt. xvi. 19, when He says that He will found His future community on the rock of Peter —*i.e.*, on the confession that He, Christ, is the Son of the living God;

universal manifestation of Christianity is the Church, an idea essentially and solely Christian, in contrast to the purely national State-religions and religious States. But this visible Church, which first entered into life when her Founder departed from earth and poured His Spirit on the disciples assembled in His name, has her foundations in the Invisible Church, the Kingdom of God; for in like manner as faith constitutes the community of Christians—a faith which is capable of avowal and of practical illustration, but whose inmost characteristics are withdrawn from every human eye, and discernible only to God—so the truly faithful alone can form that invisible community, which corresponds to the idea of its Founder. Accordingly, the external community owes its ground of continuance to its inward and spiritual prototype. From the latter it derives its energies for an ever-increasing growth and development, and pines away when the affluence of these common sources of strength is dried up. Both belong inseparably to each other, though on earth they will never fully coincide and coalesce; their union is deferred till that future consummation when the invisible, universal Church, the Kingdom of God, will perfect itself into the promised Kingdom of Peace. The visible Church contains indeed the promise of future unity, even as the invisible Church is now actually one; but as a human organisation she is in reality exposed to error and disunion. Nevertheless, however much she may have erred and mistaken her proper sphere, she must occupy clearly, by virtue of her *destiny*, a totally different position towards the State from that of any other religious community. Moreover, she desires as little to be incorporated in, as to be the determining factor in, the State;

Destined unity of the visible Church.

and again in Matt. xviii. 18, when He gives to the Apostles the power to bind and to loose. The formation of this visible community He leaves to the Apostles and their followers.

she seeks to establish a kingdom of a peculiar kind, which must indeed be *in*, but which does not wish to be *of* this world. For this reason she can never merge herself in the State any more than the State can merge itself in her; for the aims of the State are purely earthly, those of the Church purely spiritual. She recognises in herself merely an institution for the education of mankind for the supermundane Kingdom of God, into which she herself is to be dissolved at the end of time. She restores thus to what is Divine its independent significance and freedom, while delivering the State from the thraldom of purely national systems of worship.

Christian conception of State-obedience.

Thus, according to the Christian conception, the State and the religious community occupy for the first time two opposite and distinct territories. The question is not whether the State is to control the religious community, as in heathen antiquity, nor whether religion is to rule the State, as in the religious State of Israel, but what kind of relations are to subsist between the two powers here in the world; and with this problem a new path is opened for the State as well as for religion and her community. First of all we shall have to ask, What attitude did the Founder of the Church and His immediate disciples, the Apostles, assume towards the State? The State, they found, was a heathen one, the Roman universal Empire, founded on conquest and the forcible subjugation of various nationalities. Nevertheless Christ and the Apostles did not regard this State as antagonistic in itself to the spiritual kingdom they were to found; on the contrary, they deemed the principle of obedience to the State-authority of this heathen monarchy perfectly consistent with the duties of a member of the Kingdom of God. The Jews of those days saw in the subjection of their country and people a usurpation of power, and expected from the Messiah that He would break down this dominion, re-

Political hatred of the Jews against Rome, establish their national independence, and make their own State, with its peculiar impress of religion moulded by the Law, paramount and supreme. The measures which had evoked the most violent resistance, after the final subjugation of Judæa by the Romans, were the census of the people and the survey of the country for the assessment of the imperial taxes. The Jewish Law knew only of taxes for religious purposes. Each field contributed its share to the support of public worship—namely, the Temple-tribute. That a Roman emperor should claim the same tribute for himself was regarded as an outrage, to resist which was an imperative command; and it was only after a bloody contest that the Romans succeeded in establishing their system of taxation. Just before the birth of Christ, Judas, the Galilean, with the priest Sadduk, had raised the standard of insurrection against the census, ordained by Augustus, as the token of the annihilation and enslavement of Israel. Even then the opposition continued, and on this ground essentially rests the Jews' contempt for the Publicans, who assisted Rome to levy the tribute so obnoxious to their religious law. The most punctilious exponents of this system, the zealots for the external ordinances of religion—namely, the Pharisees—in their exasperation that Christ treated this law as something superseded, took counsel 'how they might entangle Him in His talk'[1]—that is to say, by a question as well as by the answer He might return. They came to Christ not officially, but as representatives of their party; not alone, however, but with some representatives of another party, the Herodians, or adherents of Herod's family. The latter were in other respects their rooted enemies, the Pharisees wishing for the re-establishment of the Jewish Theocracy, or rather of their Hierarchy; the Herodians, on the other hand, supporting the Roman rule, because

and against Christ.

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[1] Matth. xxii. 15–21.

it had helped to found the dynasty of Herod, whose representatives, Herod Antipas and Philip, were the creatures of the Roman emperors. But both parties were united in their hatred against Christ. To both He appeared equally dangerous—to the Pharisees because, in His character as Messiah, He disappointed their expectations of an earthly king; to the Herodians because, from any Messiah whatever, they feared the endangerment of the Roman rule. The Pharisees accordingly send some of their representatives—St. Luke calls them 'spies'—together with some Herodians, in order to put to Christ the captious, ensnaring question, How are the Jews to conduct themselves towards the Roman Government? in the hope that, by recognising its authority, He would contradict the idea of a Messiah and lose His credit in the eyes of the people; while, on the other hand, if He were to designate it, as they themselves did secretly, as a usurpation, He would draw down upon His head the punishment of the civil power. After a hypocritical preface that they know that He is true, 'teaching the way of God in truth, neither caring for any man nor regarding the person of men,' they ask Him whether it is lawful—that is, conformable to the Divine Law—to give tribute unto Cæsar or not; this 'or not' meaning whether, in the contrary event, they may acknowledge Jehovah alone as King, according to the theocratic principle, and assert the independence of His chosen people by all possible means, such as had been attempted by the Jews when they resisted the conversion of Judæa into a Roman province. But Jesus, who at once perceives their wickedness, rebukes them with these words: 'Why tempt ye me, ye hypocrites?' He asks to see the tribute-money, or the coin in which the tribute is paid, and says to them, when they bring Him a penny, 'Whose is this image and superscription? They answer, 'Cæsar's'—*Καίσαρος*, from the Latin Cæsar, the family

Christ's answer as to payment of tribute.

name from which originated the Roman title of ruler. Thereupon He gives His decision in accordance with their own answer. Because the coin comes from Cæsar, and belongs to him as the sovereign of the country, therefore 'render unto Cæsar the things which are Cæsar's, and unto God the things that are God's.' In this expression, 'the things which are Cæsar's,' is contained a profound and pregnant thought, conveyed in the most concrete form. Applied, for the purposes of illustration, to the impress of the coin then lying before them, these words include not merely the tribute-money, but all that belongs to worldly authority. The duty of the individual is deduced from the general relations between the government and the governed. The simple fact that by the dispensation of God the Jewish nation is subjected to the Roman rule, proves that obedience to that rule in earthly matters cannot be contrary to the will of God. By this answer, then, Christ directly contradicts that view which maintained that the payment of tribute to a heathen government was opposed to the commands of religion, just as in another place He designates it as quite consonant with Divine order that the kings and the great ones of the earth should exercise lordship and be honoured. But along with this injunction there is another, to 'render unto God the things that are God's;' not to deny, therefore, the one, only God of their fathers, out of subservience, it might be, to the Romans. That Christ has no fear of worldly rulers, when they unlawfully overstep their province of power, is shown by His prefacing His message to Herod, the sovereign, with these words: 'Go ye, and tell that fox,' and by His demeanour before the High-Priest and Pilate. But under this reply to the Pharisees and Herodians lies the interrogative rebuke addressed to both parties—namely, whether they really do what He desires. Thus each party finds itself disappointed, in different senses, by the answer of Christ. They cannot convict Him either as a rebel or a denier of the idea of a Messiah, and therefore it is also recorded, 'when they heard these words they marvelled, and left Him, and went their way.' This narrative of St. Matthew is in no way contradicted by the previous one of the same Apostle, according to which[1] Christ declares, when the tax-gatherers demand tribute-money from Peter, that His followers are not properly bound to pay tribute, and the payment is merely made for the reason then expressed—'lest we should offend them'—the tribute demanded in this case being not, as one might understand from Luther's translation, the 'tribute-penny' (*Zinsgroschen*), or general tax levied by the Government, but the Jewish Temple-tax (δίδραχμον), to which Jesus, as the Finisher of the faith, does not feel Himself properly liable, and which in the course of the narrative is expressly opposed to the secular imposts, toll and tribute.

Apostolic doctrine of State-obedience.

The Apostles also take their stand upon precisely the same ground. St. Paul, in the Epistle to the Romans,[2] prescribes the attitude of Christians towards the secular authorities. The community he was addressing might easily incur the temptation of regarding the Roman State-power in the same light as did the numerous Jews at Rome, who were thoroughly imbued with the notion that it was not befitting the chosen people to obey a heathen government. St. Paul is concerned to preserve the Christian community from this error, lest they may be hurried into attempts at rebellion. He seeks to show them that Christians have to recognise in the Roman Government, not a hostile power, opposed to God, but rather an organ of the Divine government of the world in all earthly matters. Everyone is to be 'subject unto the higher powers, for there is no power but of God.' Accordingly the existing, and therefore heathen, government is to be traced back to the will of God: it executes in its active operation a Divine commission, that of maintaining external order. 'Whosoever, therefore, resisteth that power resisteth the ordinance of God,' and therefore the obedience to be rendered is not to be merely from compulsion and the fear of punishment, but voluntary and in a spirit of goodwill, for conscience sake, extending even, as the Apostle writes to Timothy, to prayer and intercession on its behalf. This duty of obedience St. Paul endeavours to convert into a conscious moral obligation, by pointing to the salutary mission of the government, and showing that the rulers are the ministers of God in two ways—praising and rewarding good works, and punishing evil-doing. 'Wilt thou, then, not be afraid of the power? Do that which is good,' and thou wilt experience that the ruler is 'a minister of God to thee for good;' but if thou do that which is evil, then thou wilt find that he 'beareth not the sword in vain,' but is a 'revenger to execute wrath upon him that doeth evil.' But as a government must be maintained, so it is also a duty to contribute the money for its maintenance. 'Render, therefore, to all their dues—tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.' St. Paul thus demands obedience to the government—which in this case was the heathen one, which later on was keeping the Apostle unjustly in prison—as the universal duty of man, for this very reason, that, without the State and its authority, no protection is possible, nor any furtherance of the moral aims of life. We find the same doctrine expressed by St. Peter.'[1] He likewise exhorts his hearers to 'submit themselves to every ordinance of man'—and therefore also to the heathen—'for the Lord's sake,' because Christ has so commanded; 'whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well.' In this manner, he adds, with welldoing you will 'put to silence the ignorance of foolish men,' who accuse the Christians of being evildoers and rebels, and will show that you do not 'use your liberty for a cloak of maliciousness, but as the servants of God,' in moral conformity with the Law.

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[1] Matth. xvii. 24.

[2] Romans xiii. 1–7.

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[1] I. Peter ii. 13–14.

Conditions of passive resistance to civil authority.

On the other hand, the Apostles refuse obedience not merely to the heathen, but likewise to their national Jewish authorities, whenever its commands run counter to the precepts of Christ. When the High-Priest forbids them to teach in the name of Jesus, St. Peter and St. John answer, 'Whether it be right in the sight of God to hearken unto you more than unto God, judge ye;' and later on St. Peter replies to the same command, 'We ought to obey God rather than man.' And they prove the strength of their convictions by not suffering themselves to be deterred from preaching Christ by any danger or punishment, or even torture unto death. This difference of conduct does not involve any real contradiction. In the exercise of human liberty there lies the possibility that the State, as well as the individual, may use for evil the power granted to it by God. In such cases Christianity requires indeed its believers to forbear from all attempts to overthrow by violent means the existing order of society, since active resistance not only contravenes the particular law, but endangers the whole stability of public authority. But the duty of actual obedience ceases so soon as the State encroaches on the dominion of conscience and faith, and, as Luther expresses it, arrogates the right of legislating for the soul. Here passive resistance is not only permitted, but positively enjoined—a resistance consisting in this, that the individual voluntarily takes upon himself the consequences which the Law has affixed to its transgression. In this spirit the Apostles and martyrs have acted, not indeed by stirring up the Christians to resistance against the State, but by refusing to be faithless to the command of God, and to their belief, from any fear of State-power. Christ and the Apostles, in taking up this position towards the heathen government of their time, and drawing no distinction of value between that government and a Christian one, show clearly that they do not regard the organisation of the State as something first revealed or brought into recognition by Christ, but as the universal and necessary condition of a prosperous society. Of course the form, whatever it may be, of this organisation is the work of man. The government may be either monarchical or republican; but the form, which changes, must be distinguished from the essence, which is embedded in all governments alike. The very word—*ἐξουσία*—which St. Paul uses, shows that he is speaking of orders, *not* of persons; and Luther also, in commenting upon this passage, dwells with emphasis on the fact that not the individual, this man or that, but the office is intended. The object of government is order; and a State-power resting merely upon the momentary right of the stronger, which creates no order, but rather, as in the French Convention, anarchy and crime, would never have earned from the Apostles the name of government; for God is not a God of disorder, but the sole source and ultimate resort of all genuine order and law. The shape and pattern, however, in which this principle of order is to be embodied is left to each individual community, as its peculiar circumstances may determine. Accordingly, in the teaching of Christ and the Apostles, we look in vain for any nearer explanation of the functions of the State and of society, because all that relates thereto has no concern with the Kingdom which they preach. They merely give reasons why it is a duty of

The Scriptural command of civil obedience purely general.

conscience generally to obey the government, and state within what limits that obedience is to be exercised. How this government shall be constituted is a question which does not occupy them at all. Government does not signify a single person, but that authority which in a particular case possesses lawful power; the Cæsar, the King, the Governors, are called so merely to typify the sovereign rulers. This order is purely human, and all endeavours to establish a definite form of State or of society upon words of Scripture are futile and perverse, as indeed the results sufficiently demonstrate. Bossuet attempted to justify Absolutism by passages from the Bible; just as the Puritan dissenters justified the deposition and execution of Charles I. by quotations from the Old Testament. No form of government, short of an actual despotism which conflicts with God's will, is intrinsically opposed to Christianity. Each may enjoy, under given conditions, a complete moral sanction; and accordingly the Church is not allowed to declare herself absolutely for any one in particular, in the sense of rejecting all others. Christianity keeps in principle so far aloof from the province of politics and social science, that not a word is found in the New Testament against slavery, an institution of that time, which assuredly is more than any other opposed to its spirit. Before God, and therefore also in the Christian community, there were neither freemen nor slaves, neither master nor servant;[1] and assuredly no sharper contradiction could be found to such a doctrine than that certain men should be refused their personality and transferred like chattels to the power of another. Nevertheless it did not occur to the Apostles to demand the abolition of slavery—a measure which could only have been accomplished by violence, and which, if accomplished, would have produced a social chaos—or even to

Silence of Scripture as to social and political relations.

Slavery.

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[1] 1 Corinthians xii. 13.

assist the slaves to run away.[1] On the contrary, they laid it down as the duty of everyone to remain in that station to which he was called; and they exhorted therefore the slaves to obedience, and the masters to fairness.[2] The reason of this is that inward, and not outward, liberty was the chief thing to aspire to: the converted slave might be inwardly free, the unconverted master might be a slave to sin. But the master, when really converted, could not any longer treat his slave as a property to be disposed of unconditionally or at caprice; he must recognise in him a brother redeemed like himself, a member of the same Church and entitled to equal rights. The emancipation of the body must follow that of the heart, and in this manner has Christianity, without openly attacking slavery, deprived it in time of its basis and support.

Community of goods.

Further, it would be a great mistake to see in that possession of goods in common, which existed in the first community of Christians, any definite injunction to that effect by Christianity. Therein was merely expressed, for the first time and in its highest form, the idea that the possessors of property are nothing but stewards of the goods granted to them by God. That a community of property is not demanded is shown by the words of Peter to Ananias, 'Whilst it [the land] remained, was it not thine own? and after it was sold, was it not in thine own power?'

It cannot, therefore, be said that Christianity is indifferent to the State, since it has been the first to bestow the true sanction on its moral order, and to liberate it from the previous constraint of a rigidly national system of worship. It recognises, however, both the State and society as purely earthly systems of human fellowship and intercourse. It destroys none of its links—marriage, family, friendship, or love of country—art and science are to continue as before; but it renovates all institutions of life, because it makes the individual inwardly a new man.

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[1] St. Paul sends back the fugitive slave Onesimus to his master Philemon, with a letter in which he only sues for mercy. (Philemon 10-16.)

[2] Colossians iii. 22; Ephesians vi. 5–10; 1 Peter ii. 18.

Christian principles of Church and State inferred.

From this we may infer on what basis, according to Christian principles, the relations between Church and State should be founded. The State can naturally only come in contact with the visible Church, as organised by man. In the Church, as in the State, we find distinctions coined more or less according to its peculiar constitution, and founded on divergencies of human nature. But they are not, on that account, two identical communities. The mission of the State is a merely earthly one, though at the same time unquestionably absolute; the maintenance of the law, and the promotion of the legitimate interests of its members, are objects which must be fully achieved. The mission of the visible Church, on the contrary, is superhuman; her constitution, her outward institutions, are only means to assist in striving to perfect ever more the realisation of the Kingdom of God. The aim of the State is selfish; its task is exhausted when it has obtained the best possible organisation of the people and the country. The visible Church is merely an institution demanded by the nature of what is earthly. The State cannot exist without having the power of compelling those who oppose its aims, to surrender their will to the law. The Church is a kingdom of moral liberty, which must use no force, but to exclude those who do not wish to belong to her. Her order, indeed, like that of any other community, requires subordination; but the obedience which she exacts is free. She has no judicial system armed with compulsory powers; her laws apply merely to those who subject themselves thereto, for the real bond which knits her members together is not her law, but fellowship of spirit and belief.

CHAP. IV.

On the recognition of the peculiar nature of these two kingdoms, the earthly and the spiritual, depend the correct relations between Church and State; from their misconception ensue collision and deviations from the special and Divinely appointed tasks of each. The State, which denies the spiritual functions of the Church, or even meets her in a spirit of hostility, will never, indeed, in the long run, make its will prevail, because the exercise of those functions rests upon a peremptory craving of the human soul, which scorns all oppression; but, by so acting, it robs itself of its richest moral strength and support, and confuses the consciences of its members. Again, the State which, while recognising, indeed, those functions of the Church, nevertheless claims for itself the guidance in their realisation, and consequently persists in applying the compulsion of the civil law to spiritual relations, paralyses that legitimate and original strength of the Church, which consists in spontaneity and freedom in the execution of her task.

Fundamental law of Church-liberty.

On the other hand, the Church which forgets this her fundamental law of liberty, and either arrogates to herself the compulsory powers of the State, or invokes the secular arm to exercise this compulsion, be it by enforcing the adherence of reluctant members, or by subjecting her members to external restraint, must inevitably miss her true office as the teacher and trainer of mankind for the Kingdom of God. The weaker her religious faith, the stronger will be the impulse to enforce its recognition by worldly means; the more lively that faith, the less disposed will she be to alienate it to the State. Again, a Church which forgets that she is only the instrument for a loftier purpose, which, out of the pride generated by this misapprehension, sees in her visible and defective form the realisation already of the invisible Church; and refuses to render to Cæsar the things that are Cæsar's, will justly experience in herself the lawful compulsion of the State.

A Christian State.

By grasping firmly in mind the peculiar nature of these two kingdoms, we shall arrive also at a correct conception of that term so variously misunderstood, a *Christian State.* It is impossible for the State to be Christian in the same sense as the Church, which calls herself so because she is founded by Christ. Without Christ the latter could never have existed, whereas the State existed thousands of years before her. Christianity, therefore, can never be said to constitute the original essence of the State, and nowhere, therefore, in Scripture is a Christian State demanded. The State can be Christian only in as far as its members are so, who are at the same time also members of the Church. And as moral liberty is the fundamental law of the Church, and consequently only those truly belong to her who belong from conviction, it follows further that, even in a relative sense, that State alone can be called Christian whose members are Christians from free conviction. If this is the case, then the State may arrange its institutions accordingly, provided that, in so doing, it does not lose sight of the fact that what one is wont to call a Christian State does not rest in reality upon Divine ordinance, but is purely the result of historical development; and for this reason the State encroaches, without any title, upon the liberty of conscience, when it punishes a non-Christian from conviction by depriving him of his civil rights. The title vested in Theocracy, of making the enjoyment of civil rights a condition of religious communion, has ceased for ever through the Church herself. The pretensions of any Government which asserts a special direct commission from God, in order to enforce a definite system of rule upon the State, are founded on mere usurpation or imposture.

In saying this, however, it is by no means intended that the State, when a portion of its subjects are not members of the Church, is to treat the latter altogether with indifference. Even where, as, for instance, at the present day, minorities of considerable numbers have seceded from the Church, the collective civilisation of the nation, nurtured as it is on Christian soil, remains thoroughly imbued with Christian culture, and in so far as that is the case the State would rightly be called Christian; nay, even when the State is legally disconnected from the Church; the latter has ever been the teacher of the people; and the State will have to ask itself whether, judging from experience, other agencies would undertake with equal success this education of its subjects for moral freedom. It will have to consider that, in proportion as its subjects adhere to the Christian Church from conviction, this adherence cannot possibly continue without influencing their relations as members of the State, simply because the man is an individual unit, and Christianity, where it deserves the name, embraces the whole individual.

Nevertheless, the truth remains that the two spheres are different in principle, and must recognise each other's legitimate rights. They touch each other, because they are both moral kingdoms, and for this very reason they must unite for certain objects in common; but they fulfil that duty in a true sense only when they preserve in that union their independence.

Having thus endeavoured to fix the fundamental position of Church and State, let us examine how the relations of both have developed themselves in history.

CHAPTER V.

THE CHURCH AND THE HEATHEN STATE.

External History of the Church during the First Three Centuries—Jewish Persecutions of Early Christians—Equitable Attitude of Roman Authorities—Origin of Conflict between Christianity and Rome—Deification of the Emperors—Christian Persecutions under Nero and Domitian—Final Severance of Christianity from Judaism—Christian Proselytism among the Heathen—Trajan's Instructions to Pliny—State-jealousy of the Church as a Corporation—Unlawful Societies—Trajan's Policy continued by Hadrian—Persecutions by Late Emperors—Decline of Imperial State-Religion—Christianity favoured by Cosmopolitanism—Final Struggle with Heathenism—Edict of Toleration by Galerius—*Internal History of the Church*—Its Primitive Constitution—Development after the First Century—Presidential Authority of Bishops—The Clergy distinguished from the Laity—Inferior Orders of the Clergy—Growth of the Hierarchy—Theory of Apostolic Succession—Dioceses—Councils—Origin of Metropolitans—Elaboration of Doctrine—Rites and Ceremonies—Progress of Church Discipline and Jurisdiction—Theoretical Unity of the Holy Catholic Church—Differences between East and West—Antioch, Alexandria, and Rome—General State of the Church in the Fourth Century—Symptoms of Later Catholicism.

External history of the Church.

THE first three centuries of the Christian Church are the most important of her whole history, and the key to it, because during that period her inner life unfolded its richest and most independent energies, under the most unfavourable external relations.

The Church stood confronted with the Roman State, but in her earliest infancy did not come into conflict with that State, the contest being essentially and singly with Judaism. The struggle of the latter with Rome did not arise from the oppression of the Jewish religion, towards which, on the contrary, the principle of toleration, extended to national systems of worship, was so fully observed, that the Roman legions who entered Jerusalem were ordered to leave behind them their military insignia, in order that they might not appear to be introducing the images of idols into a city sacred to the Jews. But as Rome extended no consideration to foreign religions when they conflicted with those State objects which exclusively regulated her policy, the resistance of the Jewish Theocracy, which denied the universal duty of paying tribute—nay, even stigmatised that duty as a crime, had to be crushed without compunction or regard. This very motive to resistance was absent from the Christians, who willingly paid tribute, according to their Master's injunctions, and yielded obedience to the Government in all temporal matters. About the teaching of the Apostles the Roman rulers troubled themselves no further than was rendered necessary by the persecution of the Christians by the Jews, who accused the former in their presence of doing 'contrary to the decrees of Cæsar, saying that there is another king, one Jesus.'[1] Herein we see the Romans pursuing consistently a policy of equity. So far from becoming the mere tools of Jewish fanaticism, they let the Apostles answer for themselves, and for the most part find no case against them. Either they treat the quarrel altogether with contempt, like Festus in his report to Agrippa—'But they had certain questions against him [Paul] of their own superstition, and of one Jesus, which was dead, whom Paul affirmed to be alive'[2]—or they hold themselves wholly and impartially aloof, like Gallio, the deputy of Achaia, who replies to the accusations of the Jews against Paul, that he will be no judge of questions of 'words and names,' and of the Jewish law.[3] Of the chief men of Ephesus it is even said that they had been favourably inclined to Paul. In every case the

Equitable attitude of Roman authorities.

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[1] Acts xvii. 7.

[2] *Ibid.* xxv. 19.

[3] *Ibid.* xviii. 15.

Romans protect the Apostles against the fury of the Jews, who wish to take their life. Thus the chief captain, Claudius Lysias, summons the whole of his armed power to frustrate the designs of the Jewish mob against Paul. Thus the town-clerk of Ephesus defends the Apostles against the uproar of the people, and refers their charges to the court of justice; nay, even when Paul comes to Rome as a prisoner, full liberty is left him to preach the Gospel in that city.[1] The Christians, on their part, did not consider the Romans as unclean, but held intercourse with them, even though the tradition of Jewish exclusiveness produced in many different ways its after effects.

Jewish persecution of the Christians.

Thus, then, the Christian Church, during this first stage of its existence, came in conflict solely with the Jews, in so far as the latter still enjoyed authority. Once more was given to Israel, by the preaching of the Apostles, the opportunity for conversion and the acceptance of Divine mercy. But the great mass of the people rejected it; the reception of the Gospel would have been an acknowledgment of their wrong towards Christ. Here again it is the ecclesiastical heads, partly the same persons who condemned Christ, who are foremost in the persecution; the Sadducees, who filled the highest places, took a more active part than the rest, simply because the preaching of the risen Christ was peculiarly offensive to their denial of a resurrection. This persecution by the Jews begins with the stoning of Stephen; it never relaxes; it takes advantage of every favourable circumstance. James falls a victim to it when, after the death of Caligula, Herod Agrippa, the friend of Claudius, re-establishes for a short time Theocracy. It terminates only with the destruction of Jerusalem and the dispersion of the Jewish nation.

About this time, however, the conflict of Christianity

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[1] *Ibid.* xxviii. 31.

Origin of conflict between Christianity and Rome.

with the universal Empire of Rome had already begun; for, with all the obedience of its disciples towards the Government, some things yet remained in which they could not conform to the civil law. Hitherto the Romans had freely allowed Christianity, as a variety of Jewish superstition, to work its will in Palestine and the numerous colonies of the Diaspora. But proselytism was a necessity of its nature. A religion which claimed to be the only true one, and therefore to become universal, could not, like a purely national system of worship, restrict itself to a country or nation. The Roman State only tolerated the introduction of new religions under the sanction of the law. The Christians, on the contrary, did not wait for permission to preach their faith even to the Romans themselves; they followed the command of their Master to 'teach all nations.' But the spread of a monotheistic religion, which treated the gods of Rome as creatures of superstition, could not be regarded as a matter of indifference by the Roman power.

Moreover, the Roman State-system, according to which the individual was absorbed in the State, clung, notwithstanding all its toleration towards conquered nations, most tenaciously to the doctrine, that the religious life is part of the political one. It seemed, therefore, inadmissible to the Romans that anyone should refuse to submit to a law once proclaimed for the sake of his religion—namely, his conscience. Now, as the worship of Jupiter Capitolinus, as the supreme god of the State, typified the honour due to the invisible head of the Republic, so, in the transition to a monarchy, they came by a perfectly natural process to worship the genius of the ruler who was at the head of the State, and on whom its weal or woe depended. Augustus still practised a certain modesty or reserve, but he allowed the Roma Dea to be associated with his name, and Ovid declared that Jupiter was the

Deification of the Emperors

lord of heaven, Augustus that of earth. Tiberius organised the worship of his predecessor as a constituent part of the State-religion, but temples were erected to his own genius as well, and the Asiatic cities vied with each other to become the centre of this worship. Under Caligula it rose to a phrensy of Cæsarism, since, as ruler of the universe, to whom were transferred the attributes of Jupiter, that emperor conceived himself to be no longer a human, but a supernatural being. By this adoration of the supreme head of the State a new State-religion was developed, whose overgrowth stifled all other forms of worship, and became the common religion of the whole Roman world. Everywhere temples were built to the emperors; their worship was demanded from all the citizens, and a refusal was construed into an attack upon the State itself.

Persecution of the Jews.

Against this demand both Jews as well as Christians were bound to rebel, for the fundamental law of their religion forbade them to pay Divine honours to man. Accordingly the persecution of the Jews, as the better known and more numerous body, had already commenced in the provinces before the destruction of Jerusalem, the emperors perceiving in their opposition merely a sign of that universal rebellious spirit which sought for satisfaction in Oriental forms of worship. And this view was not wholly unfounded. The Jewish world at that time was in a state of great ferment. After their rejection of the true Messiah their impatience increased for such an One as should break the Roman yoke; and this restlessness was communicated from Jerusalem to the synagogues of the Diaspora. For this reason Claudius expelled the Jews from Rome soon after the outbreak of the great Jewish war, but even the destruction of Jerusalem failed to terminate the persecution; it continued throughout the second half of the first century, until Hadrian destroyed even a resettlement of Jews on the site of Jerusalem, forbade them to approach its precincts, and built on Mount Sion a new city, Ælia Capitolina.

As for the Christians, meanwhile, they were exposed to danger as much by the resemblance of their belief to Judaism as by its difference therefrom. Hitherto the Romans had regarded them as a Jewish sect, from their worship, like the Jews, of the One Invisible God. Gradually, however, as the Christians were assailed, on the one hand, with increasing violence by the Jews, while the Church, on the other hand, under the powerful influence of St. Paul, grew daily in power and released itself from the constraint of the Jewish national religion, the Romans learned to distinguish the Christians from the Jews.[1] It was owing precisely to the great success that attended the activity of St. Paul, who, in spite of his imprisonment, became the centre of the rapidly growing community of Christians at Rome, as well as to the fearless denunciation of a degenerate people, who, to adopt an expression of Tacitus, had concentrated in themselves the iniquity of the whole world, that the preaching of Christianity excited the exasperation of that people against the Christians, who were accused of hatred to all humankind. This hostile spirit became the cause of the first, or Neronian, persecution of the Christians. It did not originate with the emperor himself, but it was in order to silence the growing rumour which charged him with having occasioned the burning of Rome, that he substituted the Christians as the guilty persons and invented in their horrible tortures a new spectacle for himself and for the populace. It was then undoubtedly that St. Paul met his death. Nevertheless, this fearful outbreak of the

First Christian persecution under Nero,

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[1] This happened first at Antioch, where the disciples received from their heathen neighbours the name of Christians (Χριστιανοί). Acts xii. 26.

natural animosity of the Heathendom of that age to the Christians was only an isolated sacrifice to indulge the fury of the populace, not any systematic attempt to suppress Christianity itself. Even the persecution of Domitian, called forth essentially by cupidity and cruelty, made no distinction between Jews and Christians.

under Domitian.

Final severance of Christianity from Judaism.

Persecution first became a principle and a general practice after Christianity had completely severed itself from Judaism with the destruction of Jerusalem, and had entered upon its own independent existence. With the dispersion of the Jewish nation the last link was broken which bound the Jewish Christians to their former community; and with the severance of that tie the controversy as to their relations with the Mosaic system reached its natural termination. Justification by faith formed no longer the keystone of their teaching and vindication, but the incarnation of the Godhead in Christ. The Church now directed her preaching exclusively to the heathen, and the more that preaching spread among them, the more suspiciously was it regarded by the Roman Government, including even the better emperors, such as Trajan, Hadrian, and Marcus Aurelius, who were endeavouring to anchor the shipwrecked vessel of society by the re-establishment of the ancient national religion. Trajan, the friend of Pliny and Tacitus, was not only a statesman and a general, but a philosopher, gifted with a noble mind. He had no idea of persecuting a religion from the vulgar motives of a Nero or a Domitian. He himself no longer believed in the national gods, but he considered it an imperative duty of public policy to protect their worship, and therefore to punish those who endangered it. Pliny, who had gone to Bithynia as proconsul, himself alarmed at the rapid progress of Christianity, reports to Trajan that 'the superstition has penetrated all ranks and ages. Not only the cities, but

Christian proselytism.

Trajan's instructions to Pliny.

the villages are infected with it. The temples are almost deserted; the sacred rites are interrupted; no sacred victims are any longer purchased.'[1] The Emperor, in his answer, recommends to him the utmost possible leniency —to apply persuasion and not to listen to anonymous charges. He acknowledges that the previous accusations against the Christians of surrendering themselves to debauchery under the pretext of their religion were pure calumnies; but to his principle he inflexibly adheres: whoever refuses to sacrifice to the gods shall be punished with death. By this mixture of mildness and severity he hoped to conquer the superstition. But just on that point the Christians could not yield. They would have surrendered their existence, had they denied the One Only God and burnt incense before the statues of the deities or Emperor, before which they were led. Many, indeed, deserted their faith in the face of impending death, but the majority sealed it with their blood. They were willing to pray for the Emperor, but not to the Emperor. 'Yes,' says Justin Martyr in his Apology, 'we *are* atheists, if, in order to escape atheism, one must acknowledge your gods, which are only demons. We acknowledge you as our princes and emperors, and beg that the unlimited power with which you are clothed may be tempered with wisdom; but we worship God alone, and are convinced that your conduct towards us is prompted by unclean devils, who demand sacrifices and homage from those who have renounced reason.'

State-jealousy of the Church as a corporation.

Another fact contributed to make the Christians seem dangerous to the State; they had a corporate organisation, the Church, and corporate bodies, as such, were regarded with suspicion by the emperors, because they appeared as an *imperium in imperio.*

Associations of that kind (ἑταιρίαι) had existed already in classical times in Greece for the joint worship of some deity, principally of Bacchus (θίασοι); and clubs and friendly-societies had been formed for social and political objects (ἔρανοι), whose members assembled in common localities and chose a president by lot (κληρωτοί). From Greece they were transplanted to Rome, but there they excited, as early as the Republic, the displeasure of the Government, which regulated them within narrow bounds, limited the number of their members, prescribed special permission for each separate association, and prohibited above all the formation of a common fund. The new monarchy looked upon these societies (*collegia et sodalitia*) with a still more unfavourable eye. Cæsar and Augustus constantly endeavoured to restrict the number of those then existing, and to prevent the formation of new ones. Augustus finally prohibited them altogether, with the exception of burial-clubs, which were only allowed to occupy themselves with the burial of their members and to meet once in every month. But, in spite of the most careful surveillance on the part of the authorities, these associations continued steadily to spread, especially among the lower classes, who did not possess, like families of rank, their *sacra gentilitia* and family sepulchres. This restriction of associations to burial-clubs explains why the Christian communities were regarded also as such within the confines of the Roman State. The Christians, according to their principles, formed only one family; their dead also were buried therefore in one spot; a certain worship, or rather reverence, soon attached to the graves of martyrs, the leaders of the community. Moreover, since, according to the Roman law, all burial-places enjoyed the privilege of a certain inviolability, Divine service was held there when persecution rendered it impossible in populous places; and thus originated the catacombs of Rome, Naples, and Syracuse. But inasmuch as the

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[1] Pliny, X. Ep. 97.

Christian associations first tolerated as burial-clubs, then prohibited as unlawful societies.

Christians refused to sacrifice to the gods, or to the genius of Cæsar, their society came to be regarded as one which went beyond the object of burial, and therefore had to be prohibited as unlawful. It was none other than Trajan who reissued a stringent decree against all secret societies (*collegia illicita*). The Christians could as little surrender their common Church and common worship as their general profession of faith; but for this very reason they appeared liable to punishment, although their conduct sufficiently testified that all political agitation was foreign to their thoughts. 'Very far from wishing,' says Tertullian, 'to compass the destruction of the Roman Empire, we pray, on the contrary, for its continuance, because the end of the world is inseparably bound up with its dissolution.'[1] This policy of Trajan was continued by Hadrian, his successor, who did homage to foreign modes of worship, who had himself been initiated at Athens into Eleusinian mysteries, and had argued with the philosophers at Alexandria. While he, too, recommended clemency, and prohibited all summary proceedings as unlawful, yet he confirmed Trajan's decree, which made the prosecution of those convicted of being Christians belong to the criminal jurisdiction of the Empire. Even when the throne was occupied by a philosopher like Marcus Aurelius, whose reign Gibbon celebrates as one of the happiest epochs of history, the persecution of the Christians still continued. The virtuous but fatalistic Stoic, who believed only in the genius within himself, could find no comfort in Christianity. The doctrine of sin and its forgivenesss could not but repel the proud philosopher, who despised the vulgar crowd, but permitted the excesses of his nearest relations. He regarded the Christians as a contemptible sect, who were refractory against the laws of the State, which

Trajan's policy continued by Hadrian.

Marcus Aurelius.

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[1] *Apolog.* 42.

reason commanded men to obey in the interests and for the welfare of all; and accordingly the blood of the martyrs flowed in torrents during his reign. Throughout this entire period the storm of persecution never ceased, though occasionally, as under Antoninus Pius, the Christians enjoyed intervals of comparative tranquillity. Not even the most irreproachable conduct sufficed to protect them, for the whole life of those times was so entangled with heathen observances, that constant conflict was unavoidable. Their religion forbade them to exercise any vocation connected with the heathen worship; they were not allowed to attend its festivals, nor to swear by the gods. They could not, therefore, plead before the law; they could fill scarcely any office, for in war as in peace there were always sacrifices and oaths. In vain did the Christian soldier display the loftiest valour in the service of the Emperor, since he was obliged to refuse to sacrifice to his honour. The confession 'I am a Christian' was sufficient to condemn him to death, exile, or labour in the mines. Persecution redoubled its fury and extent, whenever some public calamity, baffling all human energies, occurred, as, for instance, floods, drought, pestilence, or famine. At such seasons the heathen priests excited the people against the Christians, whose violation of the native faith was represented as having angered the gods; and the depraved populace, to whom the ideal character of the new religion was necessarily unintelligible, broke out into the cry, 'The Christians to the lions!'

Progress of persecution.

Persecution, nevertheless, was as powerless to prevent the dissemination of the new faith as the artificial restoration of the ancient Roman worship to bolster up the tottering civilisation of Rome. The most influential opponents of Christianity derided in their own hearts the heathen deities. They were philosophers, sceptics, Stoics, Epicureans, in the best case Neo-Platonists; but that

Decline of imperial State-religion.

philosophy, which could do much to destroy the ancient worship of the State, was unable to satisfy the religious requirements of the people. In vain did they seek that satisfaction in the Oriental worship of Cybele, of Astarte, and of Mithras, in astrology and magic. In vain did State-legislation attempt to recruit the worship of the national gods by adding that of the Cæsars. The vital strength of polytheism was as much exhausted as that of the Roman State; the rule of Hellenism and of Eastern philosophy had influenced each only to hasten its dissolution. Ancient Rome had offered to her citizens a fatherland and institutions whose greatness might inspire them with enthusiasm. The Roman Empire, which embraced the most different nations of the earth, which was constantly extending the privilege of Roman citizenship, which admitted provincials to the highest offices—nay, even raised them to the throne—but exposed all its subjects to the caprice of a despot, was now no longer a fatherland. Its citizens sought to indemnify themselves for this loss by closer bonds of unity, but the State prohibited such associations, because it would not tolerate within itself any corporate life. Was it to be wondered at that, in the disconsolateness of despair at such a condition, the yearnings of the better sort turned to the new religion, which enlisted those as brethren who could no longer feel themselves fellow-citizens, and the purity and spirituality of which offered such a shining contrast to the depravity of contemporary Heathendom? The same cosmopolitan current of thought which was dissolving the ancient State-fabric of nationality, prepared the way for the extension of Christianity. The more humane development of the law, which limited the paternal power and extended protection to women and children—nay, even to slaves[1]—laid

Christianity favoured by Cosmopolitanism.

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[1] The Roman jurists of that time favoured the slaves in every possible manner, and gave them the benefit of doubtful points of law (cf.

the foundation for the principles of that religion which asserted the equality of all men before God, and exalted marriage into a compact between the two sexes, each endowed with equal rights; and for this reason, among others, women and slaves, on whom chiefly devolved the education of children, became the most zealous adherents of the new doctrine. During the interval of comparative repose, which the Church enjoyed from the death of Commodus to the reign of Philip, the Arab, the number of Christians multiplied very rapidly. Already they counted more members than any single one of those sects of worshippers which subdivided the heathen world. In the towns especially they occupied a leading position. Their conduct and their mode of worship, the more the latter dared to show itself, refuted the accusations levelled against them: people already were asking, whether the plagues which visited the Empire were not after all a judgment of the God of the Christians to avenge the torturing of His faithful. And in the same measure the confidence of Christians in their victory rises into a challenge to the heathen State, which is represented as the impersonation of ungodliness. 'Your gods,' exclaims Tertullian, 'are like the wicked in hell.' Cyprian forbids all Christians to pollute themselves by a connexion with an already dying world;[1] and Lactantius points to the judgment of God in the miserable death of the persecuting emperors. Once more Roman Heathendom gathered together all its strength to annihilate the dreaded adversary. The persecution which overtook the Christians under the soldier emperors Decius, Valerian, Diocletian, and Galerius

Final struggle with heathenism.

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l. 24, § 6, Dig. xl. tit. 50; l. 5, § 2, Dig. i. tit. 5.) A law of the year 294 forbade creditors to make slaves of insolvent debtors (l. 12, Cod. iv. tit. 10). Manumission was facilitated as much as possible.

[1] Ut nemo quidquam de sæculo jam moriente desideret. (*Ep. Cypr.* liii. 2.)

was more universal and more barbarous than all former ones, but it merely served to purify the Church from apathy and indifference, which had crept in during periods of comparative tranquillity. In this instance also the famous saying of Tertullian was confirmed, that the blood of the martyrs is the seed of the Church. Despite the most terrible oppression, she waxed in irresistible strength, and forced the Roman Government to confess its impotence against the new spiritual kingdom.

Edict of toleration by Galerius, A.D. 311.

From his death-bed Galerius issued in 311 an edict,[1] declaring that it had been his intention to reclaim the Christians to the religion of their fathers. Since, however, the greater part of them persisted in their way of thinking, and since it was better that they should pray for the welfare of the State in some manner or other, he would allow them to do so in their own manner, on condition that they refrained from acting in opposition to the established laws and government.

Those first three centuries of Christianity are the heroic age of the Church, equalled only by the first decennium of the Reformation, for during that period of her persecution she was able to develope her rich energies in freedom and independence. That development was manifested first, as was natural, in her doctrine; but this subject I forbear from examining in detail, and merely dwell on the main points of Church-organisation.

Internal history of the Church.

Its primitive constitution.

Christ had not founded a Theocracy in the Mosaic sense of the term; but the Apostles, trained as they had been in the strictly legal school of Judaism, understood very well that, in spite of all the governing power of the Spirit, no ideal amorphism or absence of order could be allowed to prevail in the community; that the latter, placed in the midst of a hostile world, must assume an external organisation, by embodying its belief into a creed, and by entrusting the teaching of its doctrines and the conduct of its worship, as well as all other affairs of the community, to those who, from their endowments, were peculiarly fitted for the task. The constitution of the primitive Church was naturally extremely simple; it was merely that of any ordinary community, and the Church of each community governed itself. The Apostles, as the immediate disciples of Christ, exercised an authority freely conceded to them, but one which they soon shared with those of their followers, who distinguished themselves by their spiritual abilities, and either founded or directed similar communities. The personal influence of both prevented any need of perfected institutions, irrespective of the fact that their activity was not confined to any fixed locality, the sole but stronger bond of union between the Churches of the different societies being the unity of faith. In accordance with the principle of a universal priesthood, the call to an active share in the functions of the community was universal; but this call, so far from excluding special offices or ministries, rendered them necessary for the purposes of order and stability, for without offices there is no organism. The conception of 'office,' accordingly, in the Apostolic community, was a sphere of activity, invested with special responsibility, and created for purposes in common. It denotes no dominion over the community, and still less, as has been maintained in later times, the assertion of any spiritual incapacity on the part of other members for the administration of Church affairs. Just as little, however, does it represent the mere executive power of the community at large.

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[1] This Edict is given in Latin in Lactantius, De Mortibus Persecutorum, cap. xxxiv. For the Greek version see Eusebius, Eccles. Hist. lib. viii. cap. 17.

The Apostles.

Deacons and presbyters, or bishops.

Following the precedent of the Synagogue, the Apostolic age recognised only two offices, those of the *deacons* and the *presbyters*. That of the deacons was the elder of the two, because the process of development was such that first the minor duties, including the care of the poor and sick, as well as assistance in the ministration of worship, and afterwards the more important functions of directing the community itself, were delegated to others by the Apostles. The *presbyters*, or elders (πρεσβύτεροι), received the additional title, and that for the first time in Greek-speaking communities, of *bishops*, or overseers (ἐπίσκοποι). No trace, however, is found of any distinction at that period between these two latter appellations. The assertion that the bishops had originally occupied a higher position is wholly destitute of proof, and is refuted, if anything, by the epistle of Clemens Romanus, who uses both expressions as synonymous, and distinguishes only the deacons from the heads of the community, while St. Jerome further says expressly, 'The presbyter is the same as the bishop.'[1] For the same reason we find mention of several bishops in one community, the latter being presided over not by a single individual, but by a college of co-ordinate presbyters. The Apostolic overseers (ἐπίσκοποι, which Luther translates by the word 'bishop') were therefore something wholly different from the bishops of later times, who govern a territorial district of the Church. Peter, in exhorting the elders, speaks of himself as being 'also an elder,' and calls Christ 'the Shepherd and Bishop (ἐπίσκοπον) of souls.'[2] The office of president was neither a priestly office nor one of power; it required only a certain age and pre-eminent moral dignity; it conferred upon its holders the control and direction of the assemblies of the community, the authority to collect the sentiments and to execute the resolutions of those assemblies, and the superintendence of religious worship. They were not called upon, in the first instance, to teach, that duty being performed by the Apostles and their disciples; but they were in no wise precluded from so doing; on the contrary, St. Paul demands as one of the qualifications of a bishop that he should be 'apt to teach.'[1] It is not stated anywhere that they were elected by the people,[2] but it is certain that the community had a voice in their installation, and that no one was chosen as president by the Apostles whose character and credentials were not irreproachable. They were the trusted officers of the community, and enjoyed by virtue of their functions a superior, but still a purely moral, authority.

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[1] Idem est presbyter qui episcopus, et antequam diaboli instinctu studia in religione fierent, communi presbyterum consilio ecclesiæ gubernabantur (In Cap. I., *Ep. ad Tit.*)

[2] 1 Peter v. 1; ii. 25.

Development after the first century.

The constitution of the Christian Church preserved these simple relations up to the close of the first century, but it fortified its position. Until the destruction of Jerusalem the Christians, and even the Apostles, had expected the second advent of Christ and the end of the world to be near at hand. They had not sufficiently distinguished the prophecies of the fall of that city from those of the last judgment; but this confusion was no longer possible when Judaism had lost its centre and stability. When now, on the one hand, the storm of persecution began, and, on the other hand, with the death of the Apostles, those great champions disappeared in whom inspiration had found such powerful organs, and who from that very fact had ensured essential concord in the separate societies, and compensated for the want of that Church-unity which is embodied in fixed institutions—then the need of a more fully developed constitution began to appear. The decline of extraordinary gifts of the Spirit made teaching all the more important. Those primitive days were gone by, when all were still of the same mind. Doubts and diversities of opinion asserted themselves; these demanded a decision, and thus instruction in the right doctrine became necessary, a task which called for special abilities. Those of the presbyters, on whom had been conferred the office of teachers on account of their superior measure of intellectual talents, attained in consequence a peculiar degree of respect, and became the presidents of the college, although perfect equality as to rights still prevailed among its members. The germ of this presidential authority is found already in the later time of the Apostles, emerging from the circle of the presbyters; for the 'angels' of the seven Churches in the Apocalypse cannot be understood as spirits, but simply as actual men, the chief shepherds of the community. And this development was natural, for in proportion as the personal direction of the Apostles and their immediate disciples ceased, the more difficult it became to govern the communities, especially the more numerous ones, through the college of presbyters. It was, therefore, but a short step to entrust the particular functions of government to a man specially fitted for the task, assisted by the presbyters as advisers. 'In order to prevent dissensions,' says St. Jerome, 'one of the presbyters was set over the others.'[1] To a president of this kind, directing the community, the name of bishop was in time exclusively applied. Persecution increased the tendency to concentrate spiritual authority in the episcopal office, and the genuine letters of Ignatius show most clearly the intention to secure, by such means, the unity of the Christian society. This endeavour met a real requirement; the scattered flock found themselves reunited in the person of their shepherd, and the latter acquitted themselves through-

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[1] 1 Timothy iii. 2; Titus i. 9.

[2] Acts vi. 5 speaks only of the deacons, whose office made it natural to give the right of electing them to the community.

Growth of presidential authority of bishops.

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[1] *Ep.* 101 *ad Evang.*

out as representatives with quite as much wisdom as courage and self-denial. Fearlessly they maintained the faith in the midst of universal servitude, and in some of them the voice of truth rises to the most commanding eloquence.

In this union of the offices of teacher and president in the single person of the bishop, as the head of the community, there was nothing as yet which contradicted the principle of a general priesthood. So far from these relations being founded upon Apostolic ordinance, they were the natural outgrowth and development of the need for a more coherent organisation of the constitution. In this sense, and not as the result of internal progress, it was regarded by unprejudiced minds, such as by St. Jerome in the words just quoted, and by the author of the 'Shepherd of Hermas,' who says, 'The Church reposes on the chair of the bishop, just as every patient sits down on account of his weakness.'

The clergy distinguished from the laity.

A period, pregnant with fate for the whole development of the Church, was ushered in with the idea, suggested by the analogy of the priesthood in the Old Testament, that the bearers of ecclesiastical office constituted a class appointed by God to the government of the Church, who were the exclusive possessors of the requisite gifts, and were specially ordained by consecration. To this class, designated at first by the term *ordo*—a word borrowed from politics—and afterwards by that of *clerus*, or the one chosen by God for His service, were opposed the other members of the community, as the people, *plebs*, λαὸς, or laity.

As yet, however, this was no formally constituted hierarchy. The community, whether collectively or through its representatives (*seniores plebis*), still enjoyed, in common with the 'clerus,' the choice of a bishop, whose election was conducted and ratified by the bishops in neighbouring parts. It co-operated in the discipline of the Church; it exercised singly the right of deciding upon the expulsion or readmission of its members; its voice commanded attention on all questions of importance, especially on those which concerned the property of the community, for the 'clerus' depended for maintenance on its oblations, voluntary in the first instance, but afterwards expressly claimed. Above all, there was not yet any supreme head of the Church for the different communities, though, indeed, the foundation was laid for such a future supremacy when, with the development of a priesthood on the pattern of the Old Testament, a human mediatorial office between God and the community was re-established. With the growing extent of the communities themselves the duties of the *clerici* increased, and it became necessary to distribute them among various ministerial offices. Besides the deacons there were the sub-deacons, readers, acolytes to assist in the performance of Divine worship, the exorcists for the healing of those possessed with evil spirits, the *ostiarii*, or door-keepers, and sacristans. The bishops, presbyters, and deacons formed the higher clergy (*clerus major*); the inferior clergy (*clerus minor*) consisted of the rest.

Inferior orders of the clergy.

Increase of episcopal power.

The bishop became the centre of the whole Church-organisation, his authority now resting not merely on his constitutional position, but on a distinction of spiritual rank, which separated him from the body of the clergy. His supremacy, it is true, was not absolute at first, but subject on many points to the assent of the presbyters. Nevertheless, that which elevated him above all the rest was the notion, now growing into a doctrine of the Church, that the bishops were in fact the sole immediate successors of the Apostles, the bearers of the Apostolate instituted by Christ to the end of time, for whom were reserved definite and spiritual functions, such as the ordination of

Theory of Apostolic succession.

priests and confirmation, whilst the subordinate clergy became gradually their mere assistants, appointed and accredited by them alone. In the conflict with encroaching heresies, especially Montanism and Gnosticism, this theory was still further expanded. To combat the false Gnosis it was important to secure purity of doctrine. To deprive the fanatical rigour of Montanism of its vantage-ground of attack, the reins of Church-discipline had to be tightened. Both of these conditions could only be enforced through the bishop, and both of necessity increased his influence and authority. Christianity, meanwhile, which had found its first firm footing in the larger cities, such as Jerusalem, Antioch, Corinth, Athens, Ephesus, Rome, and afterwards in the smaller towns, now gradually spread to the country, which hitherto had adhered to heathenism.[1] The rural communities requested the bishop of their parent community in the city to send them a presbyter for the direction of their worship. But these rural presbyters remained subordinate to the bishop, who accordingly, from his position as the head of an urban community, rose to that of the governor of an ecclesiastical district, composed of a plurality of societies nestling round the mother Church; and this district, the *diocese*, thenceforth formed the local groundwork of the constitution of the Church. The bishops of a province naturally maintained a mutual and varied intercourse; and gradually their deliberations on matters of common interest took the form of regular meetings, called Synods by the Greeks, and Councils (*concilia*) by the Latins, which represented the provincial Church.[2] Attempts have been made to

Formation of dioceses.

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[1] Hence the name paganism, as the religion of the peasants, or dwellers in villages (*pagani*).

[2] That the correct conception of the Scriptural word Church was still for a long while maintained is shown by the definition of Irenæus—'Ecclesia, hoc est, ii qui undique sunt fideles.' (*Contra Hær.* iii. 3.)

Provincial synods or councils.

trace back these councils to the meeting of the heads of the Apostolic community at Jerusalem, in which the question was discussed and decided whether, and to what extent, baptised heathens were bound to observe the Mosaic law and ceremonial. Nothing can be more erroneous; the supposed Apostolic council was a voluntary conference of the members of only a single community, not a meeting of delegates from a number of confederate Churches, and if Peter, Paul, Barnabas, and James were the only speakers, still the letter containing their resolutions was drawn up in the name of all. 'We, the Apostles, and elders, and brethren send greeting,' &c.[1] Such an assembly had nothing in common with the later institution of Synods, and for that reason also it was not repeated. The Synods, on the contrary, did not originate until the latter half of the second century, in consequence of the necessity of determining controversies of doctrine, for which purpose the bishops of neighbouring Churches met together for common deliberation. The first of the assemblies of which we possess historical evidence were held in Asia Minor.[2] Tertullian, who wrote in the beginning of the third century, speaks of them as an established institution in Greece,[3] and in the course of that century they became universal, were held regularly once or twice a year, and were regarded as the supreme representative organs of the Church. Each provincial bishop possessed a seat and a vote, and a similar, but exceptional, privilege was granted to presbyters and *con-*

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[1] Acts xv. 23.

[2] Viz., the councils concerning the Montanists, A.D. 170 or 173, and those which deliberated on the Easter question. All these councils are placed by Eusebius under the reign of Commodus, A.D. 180–192.

[3] 'Aguntur præterea per Græcias, illa certis in locis Concilia ex universis ecclesiis, per quæ *et altiora quæque* in commune tractantur et ipsa repræsentatio totius nominis Christiani magna celebratione tractatur.' (Tertullian, *De Jejuniis*, c. xiii. p. 711.)

fessors—a name applied to those who had endured torture or imprisonment by confessing Christ before the magistrates. These assemblies were public; their decrees, which were styled Canons, were accepted in their integrity, but only within the limits of the province. The laity who were present (*plebs assistens*) made their voice also heard; there was no question of any infallibility of Synods.

Origin of metropolitans.

The influence of these councils gave rise in turn to distinctions in the Episcopate, since upon the bishops of the principal cities, as the natural centres of the various provinces, devolved the duties of convening and presiding over the assemblies. These bishops received the title of Metropolitans, and soon acquired the right of supervision over their provincial brethren. They conducted their election; they confirmed and consecrated them when elected, and notified their appointment to the other Churches.

Elaboration of doctrine.

With this establishment of the constitution of the Church corresponds the internal development of her creed, her worship, and her discipline. The Church is essentially a community of confession; all who have been received into her by baptism made a previous declaration of their belief in the Father, the Son, and the Holy Ghost.[1] This Trinitarian condition of baptism, enjoined by Christ, assumed gradually, and through the conflict with heretical doctrines, a more elaborate form, according as the peculiar attributes of the Three Persons of the Godhead were more closely determined. One by one, and in a manner varying with the exigencies of defence against the heresy of the day, were revealed, already in the immediate post-Apostolic times, the essential features of the later Apostolic Creed (*Symbolum*). God was designated as the Almighty Creator of heaven and earth; in Christ were illustrated the supernatural origin and the chief acts of the work of Redemption; to the confession of the Holy Ghost were added that of belief in the forgiveness of sin, in the resurrection of the body, in the life everlasting, and in the Holy Catholic Church. Contrasted with this general confession, the rules of faith, prescribed by the individual Fathers of the Church, were only free deductions, adapted for the most part to certain definite occasions. Next to these appeared the science of Apologetics, opposed to Heathendom equally as to the heresies, and which laid the first foundations of Christian Theology.

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[1] Matth. xxviii. 19.

Rites and ceremonies.

The primitive community of Christians edified themselves, like their prototype the Synagogue, by prayers and hymns, by the reading aloud of chapters from the Old Testament, especially from the Prophets, and by the preaching of the Gospel. To this was added the reading of the Apostolic Epistles, then of passages from the Gospels; and at the conclusion the bread was broken and the blessed cup administered. The same order of service was preserved in after times, with these exceptions—that with the extension of the communities the Love-Feasts (*Agapæ*) were omitted, the Lord's Supper was partaken of at a table specially devoted to that purpose, called an altar after the end of the second century, and a raised place was set apart for preaching. Sunday was celebrated as a universal festival to commemorate the resurrection of the Lord; Easter Day and Whit Sunday were also high feasts, the former being preceded by a fast of some length, the latter by the *Quadragesima*. Infant baptism was generally practised, and sponsors (*sponsores*) invited as witnesses of the sacred rite, in the case of adults to act as sureties for their faith, with children to secure for them a Christian education. The abjuration of idolatry led in time to the association of exorcism with the ceremony of baptism. Candidates for admission into the Church (*catechumens*) received their full Christian citizenship for the first time through baptism and confirmation, after a careful course of examination, in gradually ascending degrees of instruction. All those who exercised sinful callings, such as slave-dealers, pirates, and others, had to renounce them before they were received into the Christian community. The manumission of slaves, it is true, was not made obligatory by the laws of the Church, but it was counselled, and very frequently practised. The relations of slavery, at any rate, had become mild, and a slave was even eligible for office in the Church. Marriages were solemnised in the face of the community; and the rite was refused whenever grounds of objection existed founded on Scriptural commands.[1] The dead were interred with Church solemnities, and the Jewish custom of burial was universally adopted instead of the heathen system of cremation.

Progress of Church-discipline.

No society can maintain its stability without discipline, and the need of such discipline is especially felt in an institution intended to educate man to Christian perfection. The practice in the Apostolic community was first to admonish the erring member, after which all intercourse with him was withdrawn by the community, who were charged, however, to regard him still as a brother, not as an enemy. The heretic, or obstinate teacher of error, was to be shunned, as a person who had been often admonished. The heaviest punishment of the Church was the *Anathema*, or ban of excommunication, imposed upon the most scandalous sinners, and which St. Paul, for example, pronounced against the instigators of unnatural vices in the community at Corinth.[2] It was inflicted in the belief that the punishment of God would follow, 'for the destruction of the flesh,' and open a path of mercy for the returning penitent. Common crimes committed by Christians were visited of course by the State; but the Church also inflicted upon such criminals her spiritual punishments, and the same were pronounced against those who merely violated her regulations. So long as the position of the Church was not legally recognised, her jurisdiction remained restricted to those means of punishment which resulted from her constitution, such as acts of expiation, the exclusion, more or less entire, according to the nature of the offence, from all share in religious worship, and eventually complete expulsion from the community. These punishments naturally operated with different effect upon the clergy and laity, because the former might be suspended or deprived of their spiritual offices, whilst the Church was unable to compel the latter to submission, in case they refused to yield to the threat of excommunication. A question which, during the period of the persecutions, provoked great controversies was whether, and under what conditions, apostates should be readmitted to the Church. The Montanists and Novatians shut the gates of reconciliation for ever against those who had lapsed into mortal sin. The Confessors went to the opposite extreme of inadmissible lenity, arbitrarily interfering, to the dissolution of all Church-discipline. The bishops had to contend with both parties alike, and they adhered firmly to this principle, that readmission must be possible to the sincere penitent, but that proof must be given of his sincerity. This was done by a series of penances, determined according to the grievousness of the fall; the principle remaining that in all serious questions of discipline, especially in those relating to the expulsion or readmission of members, the decision rested with the community, although the bishop, from his position, made his influence felt in their deliberations.

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[1] Lev. xviii. 6; Matth. xiv. 4; 1 Cor. v. 1.

[2] 1 Cor. v. 5.

Penances.

Jurisdiction.

It was not, however, merely on Church-questions that the organs of the community had to decide. The Christians were to regard themselves as one family. Their Master Himself had directed them: 'If thy brother shall trespass against thee, go and tell him his fault between thee and him alone; . . . . if he will not hear thee, then take with thee one or two more; . . . . if he shall neglect to hear them, tell it unto the Church.'[1] Paul, in like manner, blames the Corinthians for bringing their quarrels before heathen tribunals.[2] On this command was based the custom in the primitive Church of deciding within her own bosom any matters of dispute between her members, a custom strengthened by the fact that, the judges of the State being heathens, all judicial transactions, especially the oaths of witnesses, were connected with such ceremonies as the Christians were not allowed to take part in. Still more strictly were ecclesiastics forbidden to take the law from secular courts; they were to submit in all things to the judgment of their superiors. For the laity, on the other hand, the decision of the Church-organs in civil differences was merely that of an arbitrator, since the requisite coercion was wanting to enforce the sentence; but the power of the spiritual authority, in those days of Christian severity, was quite as strong as that of the constituted judge.

It was a natural consequence, again, that with the development of the Hierarchy this jurisdiction of the Church should fall to the bishop, who was resorted to in the first instance. If the bishop himself was the accused party, then his colleagues gave judgment in assembled Synod. On the bishop also primarily devolved the administration of the property of the Church, which, from the extension of the communities and the increase of donations, grew daily more considerable.

[1] Matth. xviii. 15–17.

[2] 1 Cor. vi. 1.

In this manner, by the end of the third century, the Church had built up her fabric into a united institution, endowed with a firm constitution, and received accordingly the title of Catholic, or universal (*catholica*). To belong to her was the condition of belonging to Christianity, for 'in her,' as Irenæus says, 'the Apostles have deposited, as in a rich treasure-house, and in their fullest perfection, all that belongs to truth. She is the gateway into life, and man must diligently receive her doctrines.' The most striking expression of this theory is found in Cyprian, Bishop of Carthage, who lived about the middle of the third century. He devotes his whole energies to the idea that the Church is to be governed, under her Divine Head, as a single State, by bishops appointed by God. 'There is only one Church,' he says in his treatise 'De Unitate Ecclesiæ,' 'as there is only one sun. He who deserts her is a stranger, an unholy man, and an enemy; he who has not the Church for his mother can likewise not have God for his Father.'

Supposed unity of the Holy Catholic Church.

This unity of the holy Catholic Church, which was coined into a special article of the Christian creed, did not indeed prevent the separate provincial Churches from differing mutually in language, customs, and theological views. These differences, generally speaking, prevailed chiefly between the East and West. The centre of the former, after the disintegration of Jewish Christianity, was Antioch. Hellenistic Christians had founded there the first community of heathen converts, which soon rose to importance under the direction of Barnabas, and principally of St. Paul.[1] It became the metropolis not only of the Greek Church of the surrounding districts, but of the Syrian Christians of the province. The majority of the latter were Jewish Christians, and this circumstance stamped a peculiar character upon the Syrian Church,

Differences between East and West.

Church of Antioch.

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[1] Acts xi. 20. Ignatius and Chrysostom were eminent among its bishops.

since she received a larger admixture of Mosaic elements than the others, and differed in that respect especially from the Greek. It was here also, about the middle of the second century, that the Scriptures were first translated into the vernacular for use in Divine service. The Egyptian Church, with her metropolis Alexandria, assumed a different form. In this city, as in the focus of Hellenism, converged almost all the schools of Grecian philosophy, which was strongly tinctured with the mysticism of the East. Here were the headquarters of the Gnostics and of those strangely variegated sects which were combated by the Christian School, founded in the middle of the second century. Here the two illustrious teachers of that school, Clemens Alexandrinus and Origen, strove to discover in philosophy a basis for Christianity. Without lapsing into Neo-Platonism and the mysticism of the East, this celebrated school sought to engraft upon itself the wisdom of classical antiquity, to introduce the cultivated among the heathen into the sanctuary of the Church, and to show to them that the germs of truth contained in heathenism had found their fulfilment in the *Logos*. Along with this movement, as a champion of which Origen in particular exercised a wide and active influence, there prevailed in the Egyptian Church a gloomy, ascetic severity, inherited from the ancient national character, and which subsequently gave rise to the self-mortifications of the hermits and saints of the desert.

of Alexandria,

In contrast to the speculative tendency of the Church of Alexandria, the African Church exhibited, under the influence of Tertullian and Cyprian, a character of practical asceticism, which threw all its energies into the development of Church discipline and constitution through the medium of congenial legislation. Finally, the Church at Rome acquired its peculiar importance by establishing in the heart of the political capital the ecclesiastical metropolis of the West, and gained, in consequence, the reputation of

of Africa,

of Rome.

having preserved in its greatest purity the tradition of the Apostolic faith.

General state of the Church in the fourth century.

So stood the Church in all her fair proportions when the storm of persecution ceased, and the State, her former adversary, began first to tolerate, then to favour her, and ended by making her supreme. At this point she enters upon an entirely new phase of her development. She no longer rests upon her own strength and prowess, which she has to prove in her conflict with a hostile world; she leans now upon the secular arm and becomes the Church of the State. It is true that this transition was not effected inwardly without interposition. It is an error to represent the whole period of the first three centuries as the golden age of the Church, and to date her sudden decline from the reign of Constantine. Admirable as seemed the fabric of the Episcopal Church, as consummated about the middle of the third century, still, compared with Apostolic times, her internal structure revealed the ravages of decay. Already the undisputed Apostolic Fathers Clemens Romanus, Ignatius, and Polycarp exhibited a marked decline from the spiritual ascendency of their teachers. The yearning for martyrdom, as the stepping-stone to salvation, the subjection to ecclesiastical superiors, the importance attached to almsgiving, the recommendation of poverty, the performance of public penance, the idea of an objective, miraculous efficacy of the Sacraments, all faintly revealed the first germ of that later Catholicism which expanded afterwards into righteousness by works, the pre-eminence of the priesthood over a laity who were treated as minors, and a hierarchy constituted on the doctrine of a single visible Church, which alone was supposed to possess the keys of heaven. When once the pressure of restraint was removed from a Church built up in that manner, she was bound to become likewise an outwardly ruling power in the State, albeit at the price of her internal freedom.

Symptoms of later Catholicism.

CHAPTER VI.

THE CHURCH UNDER STATE-PATRONAGE.

Partition of the Empire by Diocletian—Constantine arms against Maxentius—His Vision of the Cross—Grants Religious Liberty—Sole Emperor—Hollowness of his Christianity—His Political Sagacity—His cautious System of Christian Legislation—Immunities of the Clergy—Endowment of the Church—Her Criminal and Civil Jurisdiction—Demoralising Effects of State-Patronage — Constantine asserts his Supremacy in Religion—Schism of the Donatists—The Arians and Athanasius—Council of Nicæa—Its Decision reversed by the Council of Tyre—Theory of Infallibility of General Councils — Councils of Nicæa and Tyre not Œcumenical—Constantine's System of Byzantinism—Progress of Monachism—Growth of Hierarchical Independence—Augustine's Theory of Church and State—His Doctrines of Catholic Unity and Sacerdotalism—Separatism of the Donatists—Views of Religious Compulsion—Outward Prosperity of the Church after the Death of Julian—Her Spiritual Decay—Transfer of Power to the West.

Partition of the imperial power by Diocletian.

DIOCLETIAN had endeavoured to prevent, by means of a peculiar institution, the constant usurpations, by ambitious generals, of the imperial power. Despairing of establishing a hereditary dynasty, he resolved to divide his honours with co-regents. Henceforth there were always to be two *Augusti*, one of them invested with sovereign power, and two *Cæsars*, adopted by the emperors. The supreme Augustus was to direct the helm for a limited period—twenty years—his colleague was then to succeed him, and the elder Cæsar to become the second Augustus. By thus conferring upon the Cæsars a sure prospect of the throne, he hoped to introduce stability into the succession. But this system, which rested upon the subordination of the Cæsars to the Augusti, and of all to the ruling Augustus of the day, was too artificial to last. In the second generation already the four princes reigned independently within their own departments, Licinius and Maximin in the East, Maxentius and Constantine in the West. Such a state of things could not continue; a conflict between these partners was inevitable, and Constantine, by far the most distinguished among them, in his character of general as well as statesman, was the first to arm against his rival in the West. So paramount, however, by this time had the religious question become, that every politician was obliged to adopt a definite position in regard to it. Constantius Chlorus, the father of Constantine, had been the only coregent of Diocletian, who distinctly refused to take part in the persecution of the Christians. While their blood was flowing in the East, in Africa and Italy, the communities of Gaul, Britain, and Spain enjoyed undisturbed repose; they were naturally, therefore, grateful to their protector, and transferred those feelings of gratitude to his son, who thus in a manner inherited the patronage of Christendom. His opponent Maxentius, far superior to him in power, was a passionate champion of official Heathendom, and Constantine accordingly cherished the idea of invoking the aid of that God whose worship should bring Heathendom to an end. At this point steps in the narrative of the miraculous vision of the Cross, which Constantine declared to have seen at sunset with the inscription 'By this conquer!' That this tradition is an untenable legend is obvious, although Eusebius[1] professes to have received it from the Emperor himself. It may have been a dream, in which Constantine's thoughts were reflected; at all events he announced himself, in the face of the enemy, the official champion of Christianity by giving to his army the *Labarum*, or standard of the Cross. Under that ensign he annihilated his adversary.

Constantine arms against Maxentius.

His vision of the Cross.

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[1] De Vitâ Constant. lib. 1, cap. xxvii.–xxxi.

His victory was followed, early in the year 313, by the celebrated Edict of Milan, in which he ascribes his success to the favour of the God of the Christians. He does not, however, immediately proclaim the worship of their God as the religion of the State. He begins by extending the tolerating edict of Galerius into one of religious liberty; every person shall be free to attach himself to the religion he acknowledges to be true. But, from the position of affairs, this could only be a stage of transition. Religious liberty, still defended with such energy by Tertullian and Origen, was not congenial to the spirit of the age. The issue was one of supremacy, a prize which the Church strove to conquer and Heathendom as obstinately to retain. To Constantine the chief object of concern was the further consolidation of his power. Of his two remaining opponents Maximin was the less important and the more distinctively heathen. Against him the Emperor despatched Licinius, who effected his defeat, and who now alone stood opposed to his master. Licinius in turn was overthrown, and Constantine was now sole Emperor. Through streams of blood he had waded to the throne. He had ordered the execution first of Maximian, his father-in-law, and co-regent of Diocletian. The widow of Maximin, whose husband took poison after his defeat, was murdered, together with her children; and the widow and two children of Diocletian shared their fate. His brother-in-law Licinius, whom, at the entreaties of his sister, he at first permitted to live in Thessalonica, was strangled a few months after by his orders.

He grants religious liberty, A.D. 313.

Constantine sole Emperor, A.D. 325.

In the face of such atrocities the exaltation of Constantine, even in modern times, as a Christian hero can only excite sentiments of humiliation. Certainly he was no ordinary hypocrite; he believed undoubtedly in the truth and future triumph of Christianity, but that faith was to him what Catholicism was to Louis XIV., a sum of

Hollowness of his Christianity.

formulas, dogmas, and ceremonies, to be accepted outwardly like the worship of Jupiter or Mithras. He himself narrates that he meditated many times, before the battle with Maxentius, which God he should appeal to for assistance. He seeks the aid of the God of the Christians; the experiment is successful, and that God accordingly he accepts. The Church had become so strong that a clever politician gained more by conciliating her respect than by incurring her hostility. But this change of religion had no influence upon the personal morals or conduct of Constantine. While he is giving Christian banners to his armies, while he erects a statue of Christ with the Labarum at Rome, has his helmet studded with the pretended nails of the Cross, in order to assure victory in battle, and his statue inlaid with fragments of the Sacred Tree; while he is building splendid churches, institutes the celebration of Sunday, addresses the bishops as beloved brethren, and discourses on Christianity to the people, he himself remains unbaptised. He retains the dignity of *Pontifex Maximus*, and the official epithet of *divus*, as appropriate emblems of his divinity; he has coins struck with the image of the Sun-God and rears a multitude of heathen temples. Nay, more than this, his Christianity does not prevent him from murdering his son Crispus and his wife Fausta, as twelve years before he had murdered his father-in-law and Licinius. His personal attitude towards religion remained, as Burckhardt concisely expresses it, 'the barren deism of a conqueror, who stands in need of a God, in order to be able to appeal to some authority besides himself in support of all his acts of despotism.'

His political sagacity.

Contemptible, however, as a Christian, as a statesman he was conspicuous. He saw that political life could no longer subsist upon the old foundations, and cautiously prepared the way for the transition to a new order of things by establishing Christianity as the second religion of the State. Wholesale as was the subsequent conversion of the masses, the State itself was not yet Christianised; heathenism remained a power which no statesman dared undertake to displace by violent measures. Not only was the ancient national religion a general object of Imperial solicitude, but heathen officials of high rank sat at his table by the side of bishops, and the soldiers were permitted to greet him with the acclamation 'May the gods preserve thee.' When his palace was struck by lightning he sent to consult the sacred entrails. The basreliefs on his triumphal arch represented heathen sacrifices; the Goddess of Victory appears by the side of the Labarum. Nevertheless, by a gradual exercise of partiality in favour of Christianity, the Emperor endeavoured to assure its future pre-eminence. He saw that Rome with her aristocracy, as well as Italy with her peasantry, clung tenaciously to the ancient faith; and he founded in the East a new capital, which, free from the fetters of national tradition, might become the metropolis of a Christian empire. A succession of enactments introduced Christian principles into the life of politics. The punishments of crucifixion and branding were abolished; the sexes were separated in the prisons; Sunday was declared to be a holy day, during which all public business, all lawsuits, and even the games of the circus were suspended. During Lent no penal sentence was passed, and criminals were no longer to be condemned to the gladiatorial shows. The conditions of slavery were largely mitigated, and were no longer allowed to entail the disruption of families; Jews, heathens, and heretics were forbidden to have Christian bondsmen. A heathen convert obtained his liberty, and a fugitive slave who had remained for three years in a monastery acquired his freedom, by taking the vow. Manumission was encouraged in every way; the ceremony itself was placed under the official patronage of the bishops, and

His cautious system of Christian legislation.

took place on Sundays and festivals before the assembled congregation. The laws of marriage were reformed in harmony with Christian principles. The *Lex Papia et Julia*, which denied to the unmarried the power of executing a will, was repealed. The ecclesiastical restrictions upon marriage gained an influence over legislation. Thus, with respect to prohibited degrees of kindred, all marriages between Christians and Jews were forbidden under pain of death, whilst alliances with heathens were less severely judged, because in such cases the danger of apostasy was less probable and the conversion of the heathen consort might be more confidently expected. Adultery was treated as a capital crime. Those who compelled their daughters or female slaves to a life of public infamy were punished with confiscation and condemned to labour in the mines. Second marriages, though not absolutely forbidden, were regarded with disfavour, and excluded the contracting parties from office in the Church. The exposure and sale of children were interdicted; if the parents were unable to maintain them they were assisted from the public purse.

Immunities of the clergy.

Besides these measures, so thoroughly beneficial for the morality of the people, there were others which increased the corporate power of the Church. The bureaucratic administration of the revenue weighed terribly at that time upon the population. The citizens of the different towns, united in town-council (*curiales*), were responsible for the levying of taxes within their district, and were forced to cover any deficiency from their own private property. It is not surprising, therefore, that municipal honours were regarded as an intolerable burden. Constantine released the clergy, as the heathen priests had been released before, from this unwelcome dignity. The ministers as well as the property of the Church were exempted from the ordinary taxes, or required to pay them only when their possessions were large. Even then they were absolved from extraordinary demands, such as the compulsory billeting of soldiers, the requisition of relays of horses or supplies. Finally, he introduced a direct tax on natural products to be devoted to the benefit of the ecclesiastical order.[1]

Endowment of the Church.

By these privileges, the clergy, who had already assumed a conscious superiority over the laity, became distinguished from the civil orders, and were not to be diverted from their loftier duties by the burdens incident to common life. The emperor, moreover, liberally endowed the Church. In the first place, the lands and houses, which had been confiscated during the times of persecution, were restored, and their purchasers compensated from the public treasury. Heathen temples, in which immoral rites of worship had been celebrated, were assigned with their revenues to the new religion. A multitude of magnificent basilicas was raised at the expense of the State; and if the public exchequer was at its lowest ebb, the tide of bounty flowed in undiminished profusion for all objects of the Church. A law was published granting to all persons capable of making a will the permission of bequeathing their property to the holy Catholic Church.[2] The latter, on her part, prohibited ecclesiastics to alienate, by their last testament, the fortunes which they had amassed from Church revenues, and which were to revert to the Church. They were allowed to dispose of inherited property, but in case they died intestate, that property likewise devolved upon the

A.D. 321.

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[1] Publicum certumque vectigal ecclesiis provincialibus cleroque distribuit. Cassiod. c. ix. Euseb. Hist. Eccl. x. 6.

[2] Habeat unusquisque licentiam sanctissimæ Catholicæ ecclesiæ venerabilique concilio bonorum quod optaverit relinquere. Cod. Theod. lib. xvi., tit. ii. leg. 4. As Gibbon pertinently observes, this law was passed at a time when Constantine might foresee the probability of a rupture with the Emperor of the East.

Church; and a bishop who ignored or rejected the claims of his co-religionists was punished with excommunication.

Her jurisdiction enlarged.

The jurisdiction of the Church was widely enlarged. In all ecclesiastical matters it was absolute; and the official misdemeanours, no less than the lighter and purely secular irregularities of the clergy, were submitted to its cognisance. Their actual crimes,[1] as well as all offences of the laity, were arraigned before secular judges, whilst, independently of this, the Church interfered with her ecclesiastical correction. But the union of Church and State led to heresy and schism being punished as secular offences, while, on the other hand, excommunication entailed civil disabilities.

In civil disputes Constantine recognised the binding character of episcopal arbitration, and decreed that the parties should be allowed to appeal jointly to the tribunal of the bishop, even when the secular judge had been invoked and had commenced the hearing of the cause. A subsequent decree of A.D. 331 went so far as to provide that even where only one of the litigants had appealed (*provocare*) to the episcopal tribunal, the latter should determine the cause, and its verdict should be valid, and executed by all secular magistrates.[2]

Demoralising effects of State patronage.

With such privileges it can easily be understood that the pursuit of ecclesiastical employment became so keen and the candidates so numerous, that special laws were framed to check the competition. All those, for example, were excluded whose fortunes enabled them to support the burdens of municipal office,[1] and no priest was to be ordained unless a vacancy had occurred by death.[2] But in spite of these restrictions, the worldly advantages so suddenly lavished upon the once persecuted, but now triumphant Church had a most pernicious effect upon her character. Among those who had outwardly espoused Christianity as a passport to imperial favour there were many who aspired to ecclesiastical offices simply because they were lucrative. Contentions arose among the rival candidates for a bishopric, who outvied each other in the arts of bribery and adulation, and even in open violence. In this manner the prizes fell frequently to the most unworthy recipients,[3] who filled the lower offices as scandalously with their creatures, until the Church lost in inward vigour and dignity what she had gained in extent and power. Add to this that the partiality of the emperor did not go the length of granting complete liberty to the Church. Just as he had organised the administration of the State bureaucracy, and broken the power of the ancient legions by mixed levies drawn from the most various nations of the empire, in order that he might rule alone; so the State Church also was to be subject to his control, and to depend for supreme guidance upon his single hand.

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[1] Cod. Theod. xvi. tit. 2. de Episc. According to the later law of Justinian, Nov. 123, c. xxi. s. 1, the proceedings were as follows:—The ecclesiastical judge, when one of the clergy was accused and found guilty before him, pronounced his deposition, and the secular judge then proceeded to punishment. In the reverse case, the secular judge, after proof of guilt was established, transferred the cause to the bishop for ecclesiastical punishment, whereupon he afterwards pronounced his sentence.

[2] Constit. Const. ad Ablavium. Novellæ Const. ed. Hænel, p. 475. Later on the episcopal jurisdiction was restricted once more to cases of voluntary compromise between the two parties. VII. Cod. Just. i. 4.

Constantine asserts his supremacy in religion.

Schism of the Donatists, A.D. 315.

The first occasion for asserting this supremacy arose with the controversy kindled in Africa by the Donatists.

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[1] Cod. Theod. xvi. 2, de episc. et cler. l. 3.

[2] Cod. Theod. l. 6. Nec temere et citra modum populi Clericis connectantur, sed cum defunctus fuerit clericus ad vicem defuncti alius alligetur.

[3] Basil writes (376, ep. 239, ad Euseb. Samosat.): 'Ad miseros homines, vernarum vernas, devenit nunc episcopatûs nomen.'

The quarrel originated in a double election to the see of Carthage. After the death of Mensurius, who had blamed the extravagant veneration shown to the Confessors, his party elected Cæcilian to the vacant bishopric. The Numidian prelates, headed by Donatus, the bishop of Casæ Nigræ, and his namesake 'the Great,' opposed the election of Cæcilian on two grounds. They accused him of having shown cruelty to the victims of the late persecution under Diocletian. They urged, in particular, that the bishop who had performed his ordination, Felix of Aptunga, was a *traditor*—in other words, had been guilty of delivering the Holy Scriptures to an officer of the heathen emperor; and, moved with indignation at the recent number of apostasies, refused to admit such traitors within the Church. They carried the rigour of discipline to the uttermost, and confined their communion to the elect. They declined, therefore, to acknowledge Cæcilian, elected Majorinus in his place, and, after his death, Donatus (313), and addressed themselves to the imperial proconsul, in order to obtain his assistance against Cæcilian. Constantine referred the matter for decision to a commission, composed of nineteen bishops, who met at Rome in 313, under the presidency of Melchiades, the Roman bishop, and acquitted Cæcilian. The charges against the bishop who had ordained him were examined and dismissed by Ælian, the proconsul for Africa. The Donatists, aggrieved by this reversion of the solemn sentence of seventy Numidian bishops, demanded a larger tribunal. The emperor, after some hesitation, gave way, and summoned in 314 the Council of Arles. Here again the Donatists lost their cause, and appealed to Constantine himself. They were heard before him in 316 at Milan; but the verdict was once more against them. Stung with defeat, they accused Constantine of partiality, whereupon the emperor, indignant at these insinuations, enacted rigorous penalties against them, and declared, when they persisted in their opposition, that no appeal was admissible from a council.

The Arian controversy.

Very different in importance was the controversy that broke out at Alexandria, the chief seat of the metaphysical speculations of Eastern Christianity, on the nature of Christ. In opposition to the doctrine of Origen, that the *Logos* had emanated since all eternity from the essence of the Father, and therefore was equal to Him, a presbyter of that city, named Arius, asserted that the Son, though begotten before all worlds, was created by God; that therefore He was rightly called God, but was dependent on the Father. Influenced, or instigated by Athanasius, a youthful ecclesiastic, the bishop of Alexandria cited Arius to appear before a synod. He was deposed and excommunicated. But the people and a large number of Eastern bishops supported his cause: they divided for and against him; and a schism in the Church was imminent. The controversy came inopportunely for Constantine. After having vainly exhorted the disputants to abandon a discussion futile according to his conception of the age, he sent Hosius of Cordova, his court prelate, to Alexandria, to examine the matter, who gave his decision against Arius. The emperor now commanded the heretic to submit, imposed upon him and his adherents a capitation tax of tenfold the usual amount, and stripped him of his ecclesiastical privileges. But Arius, who had won over Eusebius of Nicomedia and his namesake of Cæsarea, the two most influential spiritual advisers of Constantine, repaired at once to Constantinople, and shook the opinions of the imperial theologian, who, in order to re-establish unity, resolved at last to address himself to the entire Church, and to assemble all the bishops from every quarter of the earth.

Constantine summons the

Thus, for the first time in history, appeared the idea of an Œcumenical Council. It was the natural develop-

Council of Nicæa, A.D. 325.

ment of the doctrine that the succession of the Apostles was resolved on in the Episcopacy. If the bishops were the exclusive recipients of the illuminating agency of the Holy Spirit, then, in their collective representation of the Church, they must be competent to determine, against all opposition or attack, the true doctrine of the Christian faith. Constantine, who, in summoning the Council of Nicæa, merely drew from the episcopal system its practical effect, was therefore fully justified, from his point of view, when he affirmed that the doctrine upon which three hundred bishops had agreed must be the doctrine of God.

The real head of this ecclesiastical parliament was the emperor, who had convened it and opened it with great pomp. Neither Arius nor his opponents commanded the real suffrages of the assembly, which rather recoiled from extreme definitions. But Constantine was won over by Hosius, as the latter had been won over by Athanasius, whose party, stimulated by the compliance of the Arians, proceeded gradually to sharper interpretations, and finally asserted the thesis, that the Son was 'consubstantial' with the Father (τῷ πατρὶ ὁμοούσιος). This article the Arians repudiated. The mediating party, under the guidance of Eusebius, had previously condemned this formula; but now they also yielded their assent, partly for the sake of peace and unity,—reserving, however, the liberty to interpret it in their own fashion—but still more from fear of the powerful hand which directed it behind the Council. Only two Egyptian bishops refused to subscribe, and were banished with Arius to Illyricum. Eusebius of Nicomedia, who was willing to sign the Creed but not the anathema against Arius, was deprived of his episcopal see. The emperor was satisfied, for he had achieved his object. Over the Church, as over the State, he was now *de facto* supreme. The bishops were favoured with high honours and loaded with gifts, and a courtly prelate, as was Eusebius of Cæsarea, had the audacity, notwithstanding the defeat of his own opinions, to designate as a prototype of the kingdom of Christ, the banquet at which the unbaptised emperor, stained with the blood of his nearest relatives, entertained the members of the Council, 'between whom he had established peace.' But Constantine performed with all earnestness his self-appointed part before the Council. He declared, on the publication of its decrees, that he had examined them *with* the bishops. He ordered the writings of Arius to be burnt, and no longer read under penalty of death; and the followers of the heretic were persecuted with energy. The triumph of Athanasius was complete. The simple deacon rose suddenly to be Metropolitan of Alexandria. The idol of the Egyptian people, the terror of the clergy, he had become the most important dignitary in the Church. But the same emperor who had permitted his triumph had also the power to accomplish his reverse. His sister Constantia, under the influence of both bishops Eusebius, persuaded him that injustice had been done to the Arians. He recalled them from exile, reinstated them in their bishoprics, sent for Arius, declared himself satisfied with his statement, and commanded Athanasius to reinstall him. The latter refused, notwithstanding all menaces, to execute the imperial mandate. Constantine summoned in 334 a council at Cæsarea, and in the next year at Tyre, before which Athanasius was cited. After a long delay he appeared, accompanied by forty bishops. He was accused of acts of violence, and even of murder, in the removal of the Arian clergy. He exposed, however, the hollowness of these charges; and under the pressure of the imperial delegate, a commission of enquiry was sent to Egypt, while Athanasius hastened to Constantinople, and prevailed so far with the emperor, that the Council was summoned to meet in that city. But

Council of Tyre condemns Athanasius, A.D. 335.

A.D. 336.

the summons came too late. Just before the commission had issued a most partial report, on the strength of which the Council condemned Athanasius and ordered the restoration of Arius, a deputation delivered this resolution to the emperor, who banished Athanasius to Trèves. In spite, however, of Council and emperor, Arius was not reinstated at Alexandria, where the populace rose in tumult against him. Constantine then commanded the bishop of Constantinople to administer to him the sacrament, in token of re-communion, when Arius suddenly expired. Eusebius of Nicomedia resumed the leadership of his party, which had the real majority at Nicæa, and now taught that the *Logos* was created of the essence of the Father from all eternity, and was therefore co-essential with (ὁμοιόυσιος), but inferior to the Father. Constantius, however, the son of Constantine, in spite of all his exertions to obtain the acceptance of this formula, was unable to heal the schism. The Arians themselves rejected it, and expanded their dogma into a denial of the divinity of Christ; and for centuries the two parties stood irreconcilably opposed.[1]

Supposed infallibility of general councils.

This single example of the two Councils of Nicæa and Tyre, which within the space of ten years absolutely contradicted each other, should suffice to restore to its proper value the theory of the Episcopalists as to the infallibility of a universal Œcumenical Council. The doctrine of the Catholic Church acknowledges that of Nicæa, because it condemned Arianism, and rejects that of Tyre, which condemned Athanasius; but why were the same bishops wrong at Tyre who were right at Nicæa, more especially since Athanasius appeared at Tyre with forty of his most devoted adherents? It is said that at Nicæa, but not at

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[1] The final victory of the Nicæan formula was decided by the Second Council of Constantinople, 381, and completed by the Fifth and Sixth Œcumenical Councils, 533 and 680, by acknowledging a double volition in the one Divine personality.

Tyre, there was a representative of the Pope. But this difference cannot determine the validity of a council; for apart from the fact that the Roman bishop occupied at that time no prominent position in such assemblies, the See of Rome was not represented at all at the Council of Constantinople in 381, the authority of which is recognised by the Catholic Church. It is attempted to evade this difficulty by asserting that the decrees of A.D. 381 have been made valid by the universal assent of the Church. But in that case they were not valid by themselves, and the Council itself was simply a deliberative Commission of bishops. Equally arbitrary is the notion of œcumenicity. In all those early councils the East had an overwhelming majority. At Nicæa there were only five or six bishops from Italy and Spain to nearly three hundred from Asia. At Constantinople the assembly was composed of a hundred and fifty prelates chosen at will, who were to legalise the forcible expulsion of the Arians from all the churches of the East, and only one Latin bishop was found among them. So far from any such idea being tenable, the testimony of contemporary historians leaves no room for doubt that at the Council of Nicæa, as at that of Tyre, the will of Constantine alone prescribed the rule to their decrees; that at Nicæa the majority, who deemed indeed the conclusions of Athanasius overstrained, bowed solely to the emperor; and that at Tyre, in like manner, it was only through the pressure of the imperial representative that the unjust condemnation of Athanasius was secured.

Councils of Nicæa and Tyre not œcumenical.

Constantine died shortly afterwards. He deferred his baptism till his deathbed, and this delay is in complete accordance with his general views of religion. He believed in Christianity, but he shared the current opinion of the time, that baptism was a purely objective remedy,

Death of Constantine, A.D. 337.

designed to wash away sin, and as an instrument of salvation, and accordingly he postponed its application till the last moment, in order to be certain of dying purified from all the guilt contracted during his life.

His reign was undoubtedly one of the most momentous epochs for the Church. To do him personal justice, it must be confessed that he foresaw correctly that the future would belong to Christianity. Heathenism, still powerful, he indulged, because, though moribund, its importance yet survived; and his sons, who endeavoured to suppress it, called forth the last heathen reaction in the reign of Julian. We must further acknowledge that the idea of a separation of the State from a religious community, to which the former was not hostilely opposed, was entirely foreign to the age. As in the Jewish theocracy, the two powers were blended in one, so in this case spiritual supremacy was inseparably connected with imperial power. With the acceptance of Christianity the object only of religion was changed; the principle remained, that the *jus sacrum* was a part of the *jus publicum*. And no one in the Church opposed this principle. No one doubted the competency of Constantine on questions of religion; the Donatists as well as the orthodox party appealed to his authority. It is true that the Church emerged from the period of persecution with a constitution already so perfected, that the emperor could no longer transform her as he pleased. But he ruled her, nevertheless. In Church and State he was the founder of Byzantinism, of that mechanically well-regulated, but lifeless system of administration, barren of individual liberty, of that union of Church and State under the government of the State. At first, a certain balance appeared to be preserved between Sacerdotalism and that Imperialism into which the ancient unity of the State was doomed to be dissolved; but the latter gradually

Byzantinism founded by Constantine.

usurped the government of religion, until at last it appeared no longer as the powerful patron, but as the chief magistrate of the Church. If Constantine was content to conduct the proceedings of the Councils, his son Constantius commands in plain terms the Council of Milan in 335 to accept the semi-Arian doctrine, because such is his will and pleasure (ὅπερ ἐγὼ βούλομαι).[1] The decrees of the later emperors regulated no less the innermost economy of religion than the manifold phases of civil life.[2]

Monachism.

In spite, however, of this secularisation of the official Church, Christianity undoubtedly evinced its enormous spiritual power through that reaction of inward vitality and ascetic spirit which was exhibited in Monachism. In that movement some have seen, but very erroneously, a decay of life in the Church. In reality it is the most important phenomenon throughout the long period from the fourth century to the Reformation, and has exercised almost more influence upon religion and civilisation than the papacy and the secular clergy. The more the hierarchy developed itself, and the more closely the State, on the other side, enfolded the Church, the more strenuously did her leading minds endeavour to win back her lost independence by withdrawing all their energies from the world, first by adopting the life of hermits, and afterwards, to avoid the rocks of such a life, by consorting in regulated fraternities. The voluntary renunciation of all the pleasures of the world, mortifications of the body, and rigid vows took the place of former persecution. The monasteries became the centres of theological culture, of learning, of the exercise of charity and benevolence—above all, of missionary enterprise among the heathen. The arbitrary violence of secular power beat in vain and was broken against those peaceful walls. Within these havens all who thirsted for knowledge found their longing satisfied, and those who were weary of life, repose. Thence issued all the great religious movements up to the time of Luther, the Augustine friar. It is true that, apart from these monastic influences, this period of the Church had her great characters, especially in the West. It was Hilary of Poictiers who courageously resisted Constantius when the latter wished to force him to sign the sentence against Athanasius. It was Martin of Tours who in 384 opposed the condemnation and cruel punishment of the Priscillianists by the Synod of Trèves, and refused to hold communication with their episcopal murderers. It was Ambrose of Milan, a native of Gaul, who excluded Theodosius from the communion of the Church, when stained with the slaughter of the Thessalonicans. It was Basil of Cæsarea who replied to Modestus, the prefect of the Emperor Valens, when declaring, after a sharp reprimand from the bishop, that he had never met with such arrogance before, 'just because thou hast never yet met a bishop (*quia nunquam in episcopum incidisti*).

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[1] In 448 the Council of Constantinople received the decrees of the Emperor with the cry 'πολλὰ τὰ ἔτη τῷ ἀρχιερεῖ βασιλεῖ.'

[2] Cod. I. tit. 1. De Summâ Trinitate; tit. 2. De sacrosanctis ecclesiis; tit. 3. De clericis; tit. 5. De hæreticis. Novellæ iii. v. vi. vii.

Growth of hierarchical independence.

But this attitude of independence towards the State assumed further, among the most influential Fathers of that time, an hierarchical character, which vindicated to the Church her supremacy over the State. 'The emperor,' says Chrysostom, 'governs the body, the priest governs the mind; therefore the emperor must bow his head under the hand of the priest.' This theory is established in detail in Augustine's work on the 'City of God,' wherein he contrasts the Church, as the *civitas Dei*, with the State, as a purely human society (*hominum multitudo aliquo societatis vinculo colligata*). Christians are to obey the State, but only so long as the latter remains within its

Augustine's 'Civitas Dei.'

proper sphere, and abstains from hindering the true religion; the heathen State, which oversteps these limits, is a *civitas diaboli.* The State must understand that, singly and unassisted, it cannot fulfil its purposes. It requires justice; but this quality it cannot generate alone, since justice can only exist with the true worship of God. It must therefore devote its instruments of power to the service of the true God, who reveals Himself in the Church. The State does not receive its true mission and consecration until it has submitted its allegiance to the Church. Although, therefore, it continues to receive the obedience of the Church in all matters of purely temporal concern, on the other hand, whenever it refuses to obey her in spiritual matters, it accomplishes its own destruction; and as to what are spiritual matters, the Church can alone decide. This theory denotes already a wide interval from the doctrine of Christ and the Apostles, who recognised the heathen State as entitled to full authority within its own sphere, because, as an institution, it is based entirely on the divine economy, but separated it completely from the Church. The latter is to preserve her full independence; and the State, while not intermeddling unduly in her affairs, is to exert its activity on her behalf. The weapons of State-power are of most service to the Church, when she is in difficulty with schism or heresy, the suppression of which is incumbent on the State: not because they disturb civil order, but because heresy itself is a crime which the State must interdict, as it had properly interdicted heathen sacrifices. Augustine admits, it is true, that no one can be forced to become a Christian; but he deems compulsion to be salutary, because it brings back fanatics to their senses, and awakes the indolent and apathetic. Compulsion in itself he considers not objectionable; everything depends upon the direction and object. Many persons are afterwards grateful when they have been compelled to do what is good. Christ drove the money-changers from the temple by force; and heretics have only their own blindness to blame when they draw down upon their heads the punishment of the Church, or of her commissioned agent, the State. But that commission the Church could only confer by possessing, as Augustine would have her possess, the authority to impose her laws. The true Church is the one universal Church, and unity must therefore be re-established by all the means at her disposal. The individual stands in the relation of a minor. He is to believe in her authority: he cannot be saved without her. It is therefore a matter of primary concern that he should belong to her communion, in what particular manner is a question of secondary importance: at any rate, it is better by compulsion than not at all.

His doctrine of Catholic Unity

This theory is explained by the circumstance that Augustine concentrates all importance on the visible Church. The grand historical fact that, in spite of persecution, she has conquered and christianised the Roman empire of the world, makes him insist exclusively on the preservation of her unity—in other words, her Catholicity, wherein he perceives the secret of her success. He admits, indeed, that unholy men exist within her communion, and that to that extent she is a *corpus permixtum*; but these unholy members cannot, from his point of view, prejudice the holiness of the community, for the Church is holy, not because all her members are so, but because, as a corporate body and an institution, she is founded by God. For this reason he dwells with special emphasis upon her organisation. The ceremony of ordination, by which episcopacy receives, continues, and translates to other priests the Apostolic office, receives with Augustine an essentially sacramental character, which is entirely independent of the worthiness of the individual. In his eyes

and of sacerdotalism.

the clergy are a class separated for ever from the laity, and entrusted with the mediation between God and man.

Augustine's advancement of such high prerogatives for the Church was provoked by his struggle with the Donatists, who, in defiance of imperial penal edicts, and supported by the rural population of Numidia and Mauritania, maintained an obstinate conflict with the Roman empire and the Catholic Church. In opposition to her principle of Unity they represented that of Separatism, which recognises only a communion of the elect, but whose error consists in believing that fallible men can discriminate who is elect and holy. The Donatists confounded the idea of the Church, as the communion of saints, with the Church after her visible appearance on earth, and required from the latter that which the invisible Church alone can give. In contrast to their subjective idealism, which anticipated the future perfection of the Church, and attempted to separate here already the kingdom of God from the world, in a manner conflicting with the necessary development of that kingdom within the Church, Augustine insisted on her character as an objective divine institution, whose duty it is to penetrate all nations with the leaven of the Gospel. This position his principles fairly entitled him to assume, and thereby he triumphantly asserted the mission of the Church against the Puritan Separatists of his day. At the same time, it cannot fail to be observed, that the principles of the Donatists, in demanding a complete separation of Church and State, were only the natural reaction against the State-Church, no less than against the gradually encroaching pretensions of the hierarchy. But it was the passionate zeal of Augustine against the sect, which was thus destroying the unity of the Church, that urged him to demand religious compulsion, and to invoke the power of the State to extirpate a heresy which was a desertion at once from apostolic

Separatism of the Donatists.

Views of religious compulsion.

doctrine and from the teaching of Tertullian and Cyprian. Tertullian in particular, with all his violent invectives against heretics, upholds, in the most eloquent terms, in his letter to the proconsul Scapula, the liberty of conscience and of religious conviction, on the ground that the soul is born a Christian one, and that the impulse to what is divine appears stronger in proportion as it is more direct. 'If religion,' he says, 'is exercised by compulsion, its fruits are no longer religion.'[1] Even Athanasius acquiesced at first in the violent measures of Constantine against the Arians, but when the situation was reversed, the objectionable features of religious compulsion first dawned upon his view. The practice encountered his strenuous opposition, and he recognised excommunication, or exclusion from the community of the Church, as the sole admissible punishment against heretics. Augustine defends their persecution on principle, just as we find in him in general, notwithstanding all his distinguished qualities, the germ of those Church principles which prevailed in the middle ages. He regards Nature, the individual, the family, the nation, and the State as things comparatively indifferent, and subordinates all to the visible, universal Church, outside of which there is no salvation. He makes the authority of her tradition equal to that of Scripture, and insists on the sacramental character of ordination and the priesthood. And if he placed still the representation of the Church in the aristocracy of the bishops, it was merely a step, after once a separate class of Levites had been established, towards giving the latter also a High-priest, as the centre of unity in the Church.

Outward prosperity of the

From this time unquestionably the Church continued to extend her power. The attempt of Julian—the

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[1] 'Humani juris et naturalis potestatis est unicuique quod putaverit colere, nec alii obest aut prodest alterius religio. Sed nec religionis est cogere religionem.' c. ii.

'romancer,' as Strauss calls him, on the 'throne of the Cæsars,'—to effect an ideal restoration of the ancient religion, speedily collapsed. Gratian stripped Paganism in 382 of all its privileges and emoluments, and confiscated the estates of the temples. A few years later a decree of Theodosius exalted Christianity into the exclusive religion of the State, and the sole form of worship permitted to his subjects. Heathens were excluded from all appointments in the administration and the army, and their religion lingered only in remote communities in the country, in aristocratic families, and in the schools of philosophy. But although the Church became dominant, the purity and spiritual vigour which, in spite of her deviation from Apostolic tradition, she had proved during the ordeal of persecution, were irretrievably lost. On all sides we find evidence of the curse which afflicts a religion that seeks to rule by worldly means. From a persecuted, she becomes a persecuting Church. The Christian rabble, inflamed by fanatical monks, destroy the temples and the statues, and massacre the heathen priests and philosophers. To such an outbreak at Alexandria the noble Hypatia fell a victim. The first blood of heretics begins to flow; the worship of the Virgin, of the angels, of the saints, and of relics becomes gradually more prominent: in a word, heathenism and Judaism insinuate themselves deeper and deeper into the Church, while orthodoxy elaborates dogma into a connected system.

Church after the death of Julian; her spiritual decay.

I forbear, at this point, to pursue further the fortunes of the Eastern Church, because she presents, during the next three centuries, no principles that are new. But in like measure as she fell under the government of the State, and her patriarch became a mere puppet of the Court, while, on the other side, the political power of eastern Rome declined, the spiritual

Decline of the Eastern Church.

leadership of the Church passed over to the western half of the empire, where, untrammelled by the gilded fetters of the Oriental clergy, the dominion of the bishop of Rome expands itself into the primacy of the Pope.

CHAPTER VII.

THE PAPAL PRIMATE.

Patriarchates—Tradition of Apostolic Origin of Roman Church—The Pseudo-Clementinæ—Petro-Pauline Controversy—Theory of Joint Foundation—Alleged Episcopate of St. Peter—Pre-eminence of Roman Church, not bishop—Rome paramount in the West—She takes precedence of Byzantium—Her Spiritual Revival in the Fifth Century—Political furtherance of Ecclesiasticism—Disruption of Roman Empire—Growing Independence of the Roman Bishop—Estrangement of Rome from the East—Traditions of her Supremacy Developed—Leo I.—Bold Attitude of his Successors—Gregory the Great—His use of Monachism—Spread of Islamism—Conversion of the Germans.

We have seen how, under the influence of the Councils, the metropolitans rose from the ranks of the episcopate, since upon the bishops of the capital cities, as the natural nurseries and centres of Christianity, devolved the guidance of the ecclesiastical affairs of the province, and the superintendence of the other bishops within its limits. Among these metropolitans, some again attained, in the course of time, to a higher rank, that of patriarchs, through the superior importance of their sees. At first these patriarchates were only three—those of Alexandria for Africa, of Antioch for Asia, of Rome for Europe; but afterwards Constantinople and Jerusalem were added to their number. The conquests of Islam swept away, in later times, the patriarchates of the East, with the solitary exception of Constantinople; in the West, however, that dignity never became a permanent step in the hierarchical system, because there the process of development strove

Patriarchates.

to secure a monarchical head in the primacy of the bishop of Rome.

The Roman Church enjoyed already in early times, and to an eminent degree, the respect of all the communities founded by the Apostles themselves. Tradition, indeed, marked her as the only Apostolic Church in the West which was founded by Peter and Paul.

Tradition of Apostolic origin of Roman Church.

This tradition, however, is not only unsupported by any historical evidence, but is contradicted by all known testimony. Pompey, after the conquest of Judæa, had brought a multitude of captives to Rome. They established there, as freedmen, a Jewish community, which was joined by many heathen proselytes. With this society Paul entered into connection on his visit to Rome ; it was expelled in the reign of Claudius. The Epistle of Paul to the Romans is evidently addressed to a community, which he himself had not founded, whose importance and doctrine he acknowledges, but to which he wishes to communicate his peculiar spiritual gifts. And with what success he accomplished this is shown by the circumstance that when brought as prisoner to Rome, the members of the brotherhood hastened to meet him as far as the Forum Appii and the Tres Tabernæ. But neither he nor any other witness mentions who first preached the Gospel to that community. That Paul was not the man is testified not only by his silence on the subject in the Epistle to the Romans —the solitary allusion being to the 'Church' in the house of Priscilla and Aquila [1]—but more especially by the fact that he made it a rule in his Apostolic ministry never to 'build upon another man's foundation,' [2] agreeing rather, as he did, with Peter, James, and John, that they should preach the Gospel to the Jews, and he himself to the Gentiles. [3] For this reason, the Roman Church to which

St. Paul's connection with Rome.

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[1] Rom. xvi. 5. [2] *Ib.* xv. 20. [3] Gal. ii. 9.

Paul addressed his Epistle, cannot have been Jewish-Christian.[1]

St. Peter's alleged sojourn and martyrdom.

Again, the assertion that Peter came a second time to Rome, and from thence directed his Epistles to the Asiatic communities—the Babylon which he mentions at the conclusion being taken to signify Rome—is just as pure a conjecture as the hypothesis that Peter suffered martyrdom with Paul in the persecution of the Christians under Nero. He cannot have been in Rome at the same time as Paul, since the last verses of the Acts of the Apostles, which describe the wide-spread ministry of the latter in that city, make no mention whatever of Peter. After the disappearance of his name from the Acts, we know only, from the Epistle to the Galatians, that he had had a dispute with Paul at Antioch, and that, as the latter mentions incidentally, he travelled with his wife, preaching the Gospel. When and where he met with his death is altogether unknown.[2] Moreover, the next authentic witness from the community at Rome, the letter of Clement (90–99) to the Corinthians, makes no mention whatever of the foundation of that Church by Peter, or even of his sojourn and martyrdom at Rome. It places him on a footing of equality with Paul, but speaks of the latter in far more precise terms, and adopts exactly his doctrine; a proof how lively still was the influence of Paul's preaching in the Roman Church.

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[1] The allusion in the Greek Chronicon of Eusebius, which mentions the second year of Claudius—*Πέτρος, ὁ κορυφαῖος τὴν ἐν Ἀντιοχείᾳ πρώτην μελιώσας ἐκκλησίαν, εἰς ʻ Ρώμην ἄπεισι κηρύττων τὸ εὐαγγέλιον* —bears so visibly the stamp of a later view, that it can no more be regarded as historical evidence than the rest of the constructive hypotheses, which seek to prove why Peter, after his expulsion from Jerusalem, turned to Rome. Thus Thiersch, *Die Kirche im Apostel-Zeitalter.* p. 97, *sqq.*

[2] That Renan, in spite of the labours of Protestant criticism, could revive in his 'Antichrist' the traditions of Peter's activity at Rome, gives but an unfavourable proof of the historical value of that work.

The *Pseudo-Clementinæ.*

On the other hand, at the beginning of the second century there issued from the Jewish-Christian party a work obviously designed to glorify Peter as the true Apostle, at the expense of Paul. In order to estimate this book aright, it is necessary to revert to the controversy which arose in the Apostolic time concerning the behaviour of the heathen Christians to the Jewish law. Some Jewish Christians had come into the community founded by Paul at Antioch, who maintained the necessity of circumcision for heathen proselytes; in other words, of their submission to the whole Mosaic law. To terminate the dispute thus engendered, Paul and Barnabas went to Jerusalem, where the question was searchingly examined in an assembly of the Apostles and elders. Against the opinion of some Pharisaic converts, who wished to see the obligation of the ancient law unreservedly acknowledged, it was decided, chiefly upon the advice of Peter and James, to impose no further burden upon Gentile converts than the avoidance of some of the practices peculiarly offensive to the Jews, as, for example, the eating of blood. This decision was far from concluding the general dispute; on the contrary, the strict Judaizing party held so firmly to their opinions, that Peter, though opposed to them himself, separated himself on his arrival at Antioch from the Gentile converts, through fear of 'those who were of the circumcision;' an act of timidity for which Paul rebuked him in public. We are not told that a formal reconciliation took place between the two Apostles, although Peter had only denied, through weakness, his better convictions, so warmly expressed at Jerusalem; and his vacillation at Antioch fully corresponds with his character, wavering, as that did, between weakness and courage in the faith. At all events, the dispute continued, as we see from the later epistles of Paul, and he himself, during his last sojourn at Jerusalem, encountered the strongest prejudice on the part of the Jewish Christians, who accused him of teaching their brethren who dwelt among the Gentiles, 'to forsake Moses.' [1]

Petro-Pauline controversy.

After the death of St. Paul, the opposition grew still stronger. The Jewish Christians represented him as an intruder, who had proclaimed a doctrine different from that of the older apostles, the immediate disciples of Christ. They declared that among these, the Lord Himself had called Peter to the leadership of the Church, that apostle who had come forward as the guiding head of the community at Jerusalem, and who, at Antioch, from his compliance with Judaizing views, was stamped as their representative. But, as the noble missionary activity of Paul among the heathen could not be gainsayed or denied, it was attempted, on the one side, to explain those successes by the theory, that, by rejecting the law of Moses, he had made Christianity more acceptable to heathen converts; and on the other side, to maintain the precedence of the Jewish apostle by ascribing to him also the conduct of great missionary journeys among the heathen, during which he is everywhere made to vanquish a certain false teacher, named Simon, who is in fact intended for Paul. In connection with the tradition, then forming, of the residence of Peter at Rome, it was but a short step to transfer the last scene of this controversy to that capital where Peter gained a decisive triumph over Simon, but was himself supposed to be crucified.

Such are the leading outlines of the party-pamphlet mentioned above, which can still be recognised, in its much later, but revised, form, preserved to us in the Pseudo-Clementinæ. [2] This Jewish exclusiveness, indeed, it became the more impossible to maintain in the face of the powerful impression which the Church had received

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[1] Acts xxi. 15. *sqq.*

[2] See Lipsius, *Die Quellen der römischen Petrussage.* Kiel, 1872.

Theory of joint foundation of Roman Church.

from the ministry of Paul, as Jewish Christianity itself became more and more disintegrated by the dispersion of the nation. Under the influence of the ideas concerning the Apostolic succession, which were gradually being developed at this time, a compromise was so far effected in the course of the second century that both apostles were accepted as common founders of the community at Rome. The oldest testimony, however, proves that this interpretation of the tradition is unsupported by historical fact. In a letter, for example, of Dionysius, bishop of Corinth, to Soter, Bishop of Rome, written about the year 175, it is stated that Peter and Paul, after having jointly founded the community at Corinth, journeyed together to Italy, and there established, in like manner, the Church of Rome. But this statement, transmitted by Eusebius,[1] is false in every part; for we know that the Church at Corinth owed its origin to Paul alone; that the latter did not go voluntarily to Italy, but was taken to Rome as a prisoner; and that, finally, when he made his first visit to that city, he found there the Church already in existence. The next witness in point of date, Irenæus, bishop of Lyons, who wrote towards the end of the second century, mentions, but without any comment, that the Roman Church was founded by the two glorious apostles, Peter and Paul.[2] Henceforth, the tradition remained unchallenged until the fourth century. In all the pictorial representations of that epoch, both apostles figure together as equals. Neither on the beautiful relief in bronze, contained in the Christian Museum of the Vatican Library, nor on the gilt glasses, where Christ is represented as giving the crown to both apostles, is there any evidence of precedence conferred on Peter. On the sarcophagi of the catacombs, which may be ascribed to the fourth century, Peter is never distinguished from the circle of the apostles surrounding Christ, but, on the contrary, his denial is the favourite subject of portrayal.

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[1] Hist. Eccl. ii. 25.

[2] Adv. Hær. iii. 3.

Alleged episcopate of St. Peter.

In the meantime, the legend of Peter's residence at Rome became gradually more embellished. The *Pseudo-Clementinæ* of the latter half of the second century, the spuriousness of which was first acknowledged in the fifth, circulated the report of his episcopate at Rome. Jewish-Christian traditions co-operated with the efforts of the brotherhood at Rome to exalt their Church above all others, by representing, as their original head, that apostle who had presided over the first community at Jerusalem. Notwithstanding the historical emptiness of this tradition, it was accepted, together with the legend of Peter's crucifixion, by other fathers of the Church, and passed current as genuine after the fourth century. Peter is next said to have consecrated Linus as his successor, who, in reality, is no more an historical personage than his immediate followers, with the solitary exception of Clement.

Pre-eminence of Roman Church, not bishop.

These traditions, worthless as they are, naturally succeeded in exalting the position of the Roman Church. Irenæus calls it the greatest and most ancient, and gives it precedence (*potentiorem principalitatem*) above all others. Cyprian goes so far as to declare that as Peter represents the unity of the Apostolate, so through him the community at Rome is the source and centre of the Catholic Church. But only to the community, not to its bishop, is this precedence ascribed. Irenæus, who gives such glory to that community, rejects a decision of its president with the remark that the right of giving judgment did not belong to any one bishop in particular. The African Church refuses submission to such episcopal decisions at Rome in terms peculiarly emphatic. Tertullian boasts of having forced the Roman bishop to retract the toleration granted by him to a doctrine combated as heretical. Cyprian, the champion of episcopal equality, replies to Stephen, bishop of Rome, in his famous controversy concerning baptism performed by heretics, that truth is not to be settled by precedent, but by reason; that no province has the right to dictate laws to others; and that the difference of usages does not impair the unity of the Church, which is represented only by the whole body of the bishops. The Council which met at Carthage in 256, and agreed to condemn heretical baptism, unanimously rejected the pretensions of Rome.[1] Equally unsuccessful were the endeavours of the Roman Church to enforce her views concerning the time of keeping Easter and the imposition of penance by the Church. With respect to the former, the attempt of Bishop Victor to compel the Churches of Asia, by excluding them from his Church and communion, to adopt the Roman custom, met with signal defeat, and evoked in A.D. 196 the unanimous protest of the most influential teachers of the Church. With regard to Church penance, decrees were issued by provincial synods up to the fourth century, differing entirely from the Roman view. Nor is anything to be found in the writings of the fathers at that time concerning the later papal interpretation of the familiar words of Christ, 'Thou art Peter, and upon this rock [2] will I build my Church.' Origen explains this passage by declaring that every apostle, every disciple of Christ is a rock. Chrysostom affirms that the 'Rock' signifies the belief of the faithful. Cyprian remarks that Peter was the first to receive the power of the keys, simply because Christ desired the unity of the Church; that what was granted to him in the first place, as a symbol of unity, was granted later to all the apostles; that Peter had never arrogated to himself any primacy;[1] that Paul had openly withstood him at Antioch; and that Peter had then yielded because his fellow-apostle was in the right.

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[1] Cyprian's words at the Council were 'Neque enim quisquam nostrûm episcopum se esse episcoporum constituit, aut tyrannico terrore ad obsequendi necessitatem collegas suos adigit, quando habeat omnis episcopus pro licentiâ libertatis et potestatis suæ arbitrium proprium, tamque judicari ab alio non possit, quam nec ipse potest alterum judicare.'

[2] Matt. xvi. 18.

The Roman Church of that time numbered many saints, who sealed their faith by martyrdom, but few men of eminence. Her corporate importance was great, and her authority highly esteemed, since she was regarded as pre-eminently the guardian of apostolic tradition, while, as the Church of the capital of the empire, she enjoyed a peculiar prestige. But nowhere do we find any exceptional deference paid to her head as such. On the contrary, the other bishops regarded the bishop of Rome as their equal, and addressed him as brother and colleague Apart from the questions of minor importance above-mentioned, Rome took no share whatever in the great doctrinal conflicts of the second and third centuries against Montanism and the Gnostics, or in the Christological controversy of Paul of Samosata. In the Arian contest, which continued so long, and stirred the Church so profoundly, the Roman bishop maintained for a long time a policy of cautious procrastination. Liberius purchased his return from exile by his condemnation of Athanasius and by subscribing to an Arian creed, which was commonly regarded as heresy. In the Pelagian dispute Zosimus approved of the 'Confession' of Cælestius, who, openly rejecting the doctrine of original sin, had appealed to him, but he was subsequently compelled to join in the condemnation of that heresy by the council at Carthage (418). Accordingly, the bishops of Rome played no part whatever in the synods of that time, which decided questions of dogma, and were all held in the East. During the first eight councils they were not present in person at all; at some they were represented by legates, but not, for instance, at the important Council of Constantinople in 381. The decrees were communicated to the Roman, just as to all the other Churches, not, indeed, for confirmation, but simply for acceptance. In the first dogmatic decision of a Roman pontiff, the condemnation of the Eutychians by Leo the Great, the latter himself acknowledged that, in order to make his rescript a rule of faith, it required to be ratified by the assembled bishops, which was accordingly done at Chalcedon. The Emperor convoked, postponed, opened, adjourned, and closed the assemblies; and to him, therefore, the Roman bishop had to apply, if he thought a synod necessary. With regard to the post of president, it is maintained indeed by Catholic writers that Roman legates occupied it at Chalcedon in 451, and at Constantinople in 680; but no historical proof of this statement can be adduced.

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[1] 'Nam nec Petrus vindicavit sibi aliquid insolenter, aut arroganter assumpsit se *primatum* tenere.' Ep. lxxiii.

In proportion as Byzantium became the centre towards which all imperial interests gravitated, the dignity and independence of the Roman bishop increased in the West. His position as patriarch became the more prominent, as he alone was invested with this dignity in the western half of the empire; and, consequently, when the precedence of the patriarchs, hitherto one of honour, was converted into a precedence of right, the change was pregnant with peculiar importance for Rome. The privileges of the bishoprics of Alexandria, Antioch, and Rome were first acknowledged at the Council of Nicæa, as founded on the large extent of their dioceses and ancient custom (*ἀρχᾶια ἔθη*).[1] At the Council of Constantinople in 381, the bishop of that imperial see was raised to the same position of authority; and the second rank, after that of Rome, was conferred upon him.[1] This was confirmed by the Council of Chalcedon in 451,[2] notwithstanding the protest of the Roman legates. The dioceses of Pontus, Asia Proconsularis, and Thracia were definitely subordinated to the bishop of Constantinople. The bishop of Jerusalem, hitherto dependent on the see of Antioch, obtained, as fifth in rank, the same position for Palestine; and at the same time it was enacted that the title of Patriarch should be confined to those bishops whose supremacy extended over several provinces. The patriarchs henceforth stood at the head of the hierarchy. The metropolitans were subject to them, as the bishops again were subject to the metropolitans. They confirmed the election and conducted the ordination of the metropolitans; they had the right of convoking and presiding over synods of more than one province. And as these privileges became obviously more important, according to the extent of the district subordinated to the patriarch, the spiritual power of the Roman bishop rose correspondingly with the extension of his authority in the West. Undoubtedly all these relations at that epoch were fluctuating, since the patriarchs formed no pentarchy and it was recognised, on the contrary, that although the organisation of the hierarchy into bishops, metropolitans, and patriarchs was necessary for the order of Church government, still the real representation of the Church was centred in the collective body of the bishops. On this account, the two patriarchs of Rome and Constantinople exercised merely a *de facto* superiority, founded principally on illegal usurpation; and the recognised precedence of honour enjoyed by Rome gave no sort of right to interfere in the ecclesiastical government of the East. For a long time Rome was unsuccessful, even in the West, in establishing, on the theory of her exalted position, a supreme central power or primacy, endowed with a settled legal constitution, and in destroying thereby the old notion of the essential equality of all bishops. The adjacent and powerful metropolitans of Milan, Ravenna, and Aquileia resisted all such attempts, and the third canon of the party synod of the Athanasians at Sardica in 343, concerning the appeal of condemned bishops to the Roman pontiff, did not confer upon Julius—the then bishop—any formal right of ultimate jurisdiction, but simply conceded to him the position of arbitrator, as a personal privilege,[1] a concession, moreover, which was flatly rejected by the other parties. So little, indeed, could the precedence of the Roman bishop, as such, be established at that time, that even in 424 the African Church expressly forbade all appeal to Rome.

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[1] The extent of the Roman diocese was, perhaps intentionally, not clearly defined; but it appears from the ancient Latin translation of the Canons of Nicæa, the Prisca, that it comprised only the ten suburbicarian provinces.

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[1] Can 3. *Τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν τῆς Ρώμης ἐπίσκοπον, δία τὸ ἔιναι ἀυτήν νέαν Ρώμην.*

[2] Can. 28.

While now the Eastern Church, during the latter half of the fifth century, was gradually becoming the Church of the State, the bishops, as functionaries and creatures of the emperor, were perpetually being drawn into the intrigues of the corrupt and voluptuous Court, and weakening their authority by mutual dissensions. At Rome the progress of development was very different. In the fourth century the ancient capital of the world was still essentially, as well as externally, heathen. The great edifices of the third century were still dedicated exclusively to the worship of heathen deities, or the performance of public plays; and the mass of the people had carried the *panem et circenses* to their highest pitch. The mob demanded constant largesses of bread, wine, oil and meat, and thirsted insatiably for spectacles of the most revolting cruelty. In the midst of this society was the Christian community, already numerous, but whose condition has been depicted by contemporary writers in very unfavourable colours. Through the want of a strong civil government, and with the still inconsiderable power of the Roman bishop, the clergy fell into the universal immorality of society, against which even so influential a champion of asceticism as Jerome could not prevail. In the fifth century, on the contrary, the Roman See could produce a succession of really eminent men, who combated the internal corruption with success, according as they turned to account, with great consistency and skill, every opportunity of increasing their personal influence. Of prominent importance, towards the same object, was the juridical tincture of the political system of Rome. If the great teachers of the Greek Church were philosophers, those of the Latin Church were jurists. 'There,' says Thiersch, 'Greek philosophy has become Christian speculation; here Roman law is recoined into Christian legislation.' The political struggle for an ecclesiastical empire was even keener than the religious. If the course of Byzantine development tended towards a State-Church, in Rome at an early period the Church-State was conceived to be the surest basis of apostolic government. The Church, even then, had been largely enriched by the donations made from time to time to the Roman See—the *Patrimonia Sanctorum* or *Petri*—in honour of her apostolic founder. From these resources aid was granted to other Churches—a liberality which added to the influence of Rome; and as the property consisted chiefly of land within the city and suburbs, its possession conferred a

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[1] Even if this statement is disputed from the literal wording of the decree (can. 3–5), it is certain that the privilege was not sanctioned by any ancient right or custom, but introduced an innovation, resting simply on voluntary agreement, which never obtained any real validity in the East.

Her spiritual revival, 5th century.

Political furtherance of ecclesiasticism.

right of participating in civil and political affairs. But the great historical events of the times contributed chiefly to strengthen the Roman bishops in their struggle for temporal independence. If the removal of the capital to Constantinople had already helped to that end, still more was gained when, after the disruption of the empire, the mock emperors of the West sought to obtain the support of the spiritual power, and adopted accordingly a policy of servile complaisance.

Disruption of Roman empire.

The revolution caused by the great migration of the nations, which put an end to the western empire, shook the fabric of ancient civilisation to its foundations, devastated the city of Rome, and thus completely altered her character, exercised proportionately little effect upon the Church. Before her the barbarians stayed their hands in reverential awe. She mediated between the conquerors and the conquered; and the Roman bishop boldly raised his head amidst the universal ruin. While, amidst the confused and rapid changes of temporal potentates, his power alone maintained its character of stability, the thought very naturally arose of releasing himself altogether from the supremacy of the State. He could not regard himself as a subject either of the heathen or of the Arianist German monarchs, still less of the municipality of Rome; while, at the same time, his legitimate ruler, the emperor at Byzantium, as whose nominal representative Odoacer and Theodoric governed at Rome, was equally powerless to protect or to punish. While now the seat of the only permanent empire of that time—to speak comparatively—namely, that of the Ostro-goths, was transferred to Ravenna, the Roman patriarch emancipated himself almost entirely from the city and its surrounding district; nor could even the re-conquest of Italy by Belisarius arrest this further progress of pontifical liberty, since the viceroy of the Byzantine Court, the Exarch, likewise dwelt at Ravenna, and his power was

Growing independence of the Roman bishop.

kept in check by the Langobards, favoured as they were at that time by the patriarch of Rome.

Estrangement of Rome from the East.

This progress of events could not fail to influence, through its external as well as its internal consequences, the Church of Rome. Externally speaking, in the first place, by the increasing estrangement of her relations with the Eastern Church. Rome had already strenuously resisted the reception of Constantinople among the patriarchates; and when those efforts failed, contended at least for the independence of the other patriarchates of the East, which Constantinople and her Court wished to subject to their own. In like manner, during the doctrinal controversies of the fifth and sixth centuries, Rome invariably sided against the views represented by Constantinople, and generally carried through her own opinions at the councils. Felix III. cited the bishops of Alexandria and Constantinople as Monophysites to Rome, and excommunicated the latter prelate, Acacius. This sentence, coupled with the exaltation of the patriarch of Constantinople above his Eastern brethren, led to a rupture, which, though temporarily healed, laid nevertheless the first step towards the subsequent complete separation of the Western from the Eastern Church. Towards the Roman emperors of the East, in like manner, the patriarchs of Rome adopted a very altered tone. Gelasius, as early as 494, in a letter addressed to Anastasius, gives quite the theory of the middle ages on the relations between Church and State. 'By two powers, illustrious emperor,' he writes, 'in preference to all others, this world is governed; by the holy power of the pontiffs (*pontificum*) and by that of royalty; the authority of the former being the more weighty, as they will have to give an account also for the kings of the earth before the judgment-seat of God.'[1] The emperors on their part observed towards Rome a very respectful demeanour. Justinian announces his accession to Hormisdas, the Roman bishop, with an expression of deference, and receives John I., whom Theodoric had compelled to interfere against the emperor's oppression of the Arians, with a welcome not only friendly but magnificent.

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[1] Ep. ad Anast, viii., Corpus. Jur. Can. c. 10, Dist. xcvi.

Traditions of her supremacy developed.

With the growing ecclesiastical importance of Rome, the traditions of her internal life assumed by degrees a more definite shape. On the sculpture of the fourth and fifth centuries is represented the delivery of the keys; and Moses is symbolised as the head of the new Church, in the act of striking water from the rock, with the circumscription 'Petros.' The Roman Church now asserts, as an undoubted fact, that Peter had been her founder and first bishop, and accordingly designates herself in plain terms the See of St. Peter. It is self-evident, however, that this assertion that Peter was the Apostolic primate, and the founder and head of the Roman Church, could not fail, as indeed it was intended, to apply retroactively to the rank of his successors. From the personal primacy of Peter was inferred the official primacy of the Roman Church; what her authority had settled should be law. Innocent I. (402–17) claimed, on the authority of the canons of Sardica, the right of deciding in all ecclesiastical causes of importance (*causæ graviores* or *majores*). Zosimus (417–18) maintained that the Fathers had granted to the Roman See the privilege that its judgment should be final and conclusive. At the Council of Ephesus in 431 the Roman legates declared that Peter, to whom Christ had given the power to loose and to bind, lives and exercises judgment perpetually in the persons of his successors. Leo I. drew the same inference, only in still more decided terms. Remarkable no less as primate than as teacher of the Church, he kept in view, with all the clearness of conviction, the future of the Roman See.

Leo I., A.D. 440–465.

To his eyes the Church of Rome, by virtue of the succession of St. Peter, was the rock on which the whole Church rested; the Roman bishop, by divine appointment, was her head, who was entrusted with her care. During his dispute with Hilary, metropolitan of Arles, he induced Valentinian III., the Roman emperor of the West, to publish an edict in 445, which plainly acknowledged the Roman primate, confirmed the decrees of the Council of Sardica respecting appeals to Rome, declared the judgments of the Roman bishop to be valid even without the imperial sanction, and stigmatised disobedience to them as criminal breaches of the reverence due to the emperor.[1] This law was binding, indeed, only in the West, and was carried out but slowly; but the course of future action was marked out, and the disturbances in the Illyrian, Gallican, and African Churches, fomented by Arianism, gave occasion to draw them into the diocese of the Roman patriarchate. Gelasius (492–496) accordingly declared that 'the See of St. Peter has the right to decide and judge in all matters concerning the faith; no one dare criticise its judgment; as the canons determine that persons from all parts of the world can appeal to it, no one, on the other hand, can appeal against it.' And Symmachus (498–514) writes to the Emperor Anastasius II., whom he excommunicated, 'Wilt thou, perchance, because thou art emperor, strive against the power of St. Peter? Even if we are to compare the dignity of the emperor with that of the supreme pontiff (*pontificis*), we find this great

Bold attitude of his successors.

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[1] Nov. Valentin. iii. Tunc enim demum ecclesiarum pax ubique servabitur, si rectorem suum agnoscat universitas.—Et erat quidem ipsa sententia per Gallias etiam sine imperiali sanctione valitura. Quid enim tanti pontificis auctoritate in ecclesiis non liceret?—Sed nostram quoque præceptionem hæc ratio provocavit, nec ulterius liceat ecclesiasticis rebus arma miscere aut præceptis Romani antistitis obviare. Ausibus enim talibus fides et reverentia nostri violatur imperii.

difference, that the former has the care of human, the latter of divine things.' In the process of law which was instituted against him, his party put forward for the first time the proposition that the successor of Peter can only be judged by God. Parallel with these growing pretensions increased that system of denying or falsifying historical facts which was to minister to the glorification of Rome and the power of her bishop. The decrees of the first Council of Nicæa were interpolated: the story was fabricated of the conversion and baptism of Constantius by Sylvester; and forged writings like the *Constitutum Sylvestri*, the *Gesta Liberii*, and others, were circulated, in order to prove the inviolable supremacy of the See of Rome.

Ecclesiastical forgeries.

The pontificate of Gregory the Great was peculiarly momentous in its results. Supported by the rising Langobardian kingdom, he made himself more and more independent of the restored imperial power. He greatly enlarged the possessions of the Roman See, and caused its *patrimonia* to be administered directly by his confidants, who controlled at the same time the provincial clergy; and he called the bishops to account whenever ecclesiastics or laymen complained of them. Without directly infringing the right of the clergy and community to elect their bishops, he procured an influence over their election by sending special commissioners, who attended as his vicars. Himself a former inmate of the cloister, he was foremost to recognise the powerful lever which monachism offered for the aggrandisement of the Roman See. He removed the monastic clergy from the jurisdiction of the bishops, and made them independent of the secular clergy by placing them directly under the Roman See, and giving them the right to choose their abbots without constraint. While, as recently as 550, the African prelates had not hesitated to excommunicate their Roman

Gregory the Great, A.D 590–604.

His use of monachism.

colleague Vigilius, Gregory succeeded, through the aid of the exarch Gennadius, in procuring a recognition, first of his mediation, and afterwards of his decision, in the disordered relations of the African Church, the result of which was to allow appeals to Rome. He sought, further, to perfect the Church in the unity of faith, discipline, and worship. The services were conducted with mysterious splendour; church singing was cultivated; bells and organs were introduced; the costume of the clergy was varied according to the different grades and solemnities; numerous festivals were instituted; the worship of angels, saints, and martyrs was duly regulated. Above all, the celibacy of the priests became rapidly more general. It had already been proposed at the Council of Nicæa, but, after the eloquent defence of marriage by the monk Paphnutius, the proposal was rejected. The Council of Trullo, in 691, sanctioned the right of the clergy to cohabit with a wife, espoused as a virgin before ordination, but enjoined the bishops to separate from their wives.[1]

And yet the position of the Roman patriarch was certainly very far from that of the Pope in the middle ages. The question of his actual government of the Church was not yet mooted; for that purpose there was wanting entirely the necessary machinery, such as the authorities of the later *curia* provided: the Roman clergy was constituted in fact precisely like any other. No one thought of being released by the Roman bishop from the execution of ecclesiastical commands. No one paid taxes to him; he could not exclude any member from the Catholic Church; if he excommunicated single bishops or provincial churches, his sentence had no judicial effect on their relations with other bishops or churches. In spite of the growing authority of the Roman See, the Churches of Armenia, of Syria, of Æthiopia, of Ireland, and of ancient Britain maintained for centuries their autonomy. Even a man like Gregory I. never dreamed of interfering in the ecclesiastical districts of other patriarchs, metropolitans, or bishops. He rejected with indignation the title of universal pontiff, which even the Apostle, who was charged with the care of the whole Church, had never borne ; 'for,' said he, 'it is evident, and was well understood by all earlier Roman bishops, that directly a bishop assumes the name of universal, and has the misfortune to fall into error, the whole Church is in danger of collapsing ; and that, consequently, the assent to the use of such a word is a real blasphemy and denial of the faith.'[1] Accordingly, he denounced its adoption by the Court patriarch of Constantinople as the usurpation of a profane and senseless title.[2] The position of the Roman patriarch, who was called, after the sixth century, as his brother at Alexandria had been called still earlier, *par excellence* Pope,[3] was that of a 'primus inter pares.' As late as 631, Isidor of Seville, in describing the various offices in the Church, divides the episcopal order into four classes—viz., patriarchs, archbishops, metropolitans, and bishops; and again, in 789, the Spanish abbot Beatus represents the hierarchy in a similar manner, and recognises the patriarchs alone as the supreme dignitaries of the Church, naming the Roman as the first among his equals.[4]

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[1] This Synod legislated only for the East. In the West the practice differed; the popes, however, usually urging the cause of abstinence. Leo I. forbade marriage to subdeacons, but celibacy was far from being a general rule. Pelagius I. (555–60) permitted the ordination of a married priest as bishop of Syracuse.

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[1] Epp. ad Eulogium, ad Joannem, etc.

[2] Vocabulum stultum, superbum, pestiferum, profanum, scelestum, imitatio Antichristi et usurpatio diabolica.

[3] At a Synod at Rome in 1074, it was first determined by law, 'ut Papæ nomen unicum esset in universo orbe Christiano, nec liceret alicui, se ipsum vel alium eo nomine appellare.'

[4] The Pope and the Council of Janus. Leipzig, 1869, p. 96.

Spread of Islamism.

During the seventh century two events occurred which decided, in their consequences, the further development of the papal primacy. These were the spread of Islamism and the conversion of the German races to Catholic Christianity. The former gradually annihilated the Churches of Africa and Asia; but this loss to Christianity was a gain to Rome, because the centres were thus destroyed which had previously maintained more or less their independence against her. And at the same time, by the missionary efforts of Rome, Christianity was diffused among the Germans; while that See, with the keen political insight which ecclesiastical Rome had received as a heritage from the Rome of heathen antiquity, recognised in the barbarians who overthrew the tottering empire, their peculiar receptiveness for Christianity, and enlisted their ripening strength in her service. But those people received, together with the Gospel, the doctrine that the Pope, as the successor of Peter, was the divinely-appointed head of the Church, and that he alone was a member of that Church who submitted himself to the papal authority. Thus Rome advanced to the centre of the Christian world, while the Byzantine Church fell rapidly into stagnation and decay; and the way was now prepared for those events which were to confer the sole supremacy in the West upon the Roman Catholic Church.

Conversion of the Germans.

CHAPTER VIII.

THE FRANKISH MONARCHY AND THE CHURCH—EMPIRE AND PAPACY.

Christianity in Gaul—Fusion of Civil and Ecclesiastical Authority—Enrichment of the Church—Her Relations with the State—Territorial Power of the Bishops—Spiritual Decline—Degeneracy of Frankish Kings—The Hierarchy reduced by Charles Martel—Reforms of Boniface—Spoliation of Church Property—Popes and Byzantium—Leo the Third and Image-worship—Gregory III. appeals to Charles Martel—Pepin—Forged Donation of Constantine—Empire and Church united by Charlemagne—Tithes—Church Government of Charlemagne—Papal Election and Oath of Allegiance—Ecclesiastical Jurisdiction—Sources of Canon Law—False Decretals—Climax of Episcopal Power in Tenth Century—Otho the Great compared with Charlemagne—Roman Imperialism and German Royalty—Mediæval Theory of Empire and Papacy—Zenith of Imperialism under Henry III.

CHAP. VIII.

The German races which overthrew the Roman empire of the West, founded upon its ruins a number of kingdoms, all of which together were of comparatively short duration, and in which the German conquerors soon blended into new nationalities with the conquered Latin races. It was now a circumstance of the most far-reaching importance that the Franks, the strongest of the German tribes, and who had hitherto not come into contact with Rome and Christianity, succeeded in establishing, under the leadership of their king, Clovis, and his successors, a kingdom which reached from the Bay of Biscay to the Inn and the Saal; while at the same time they adopted that Catholic Christianity to which Roman Gaul, up to that time divided into two parts, was attached. Christianity had taken root in Gaul at a comparatively early

Christianity in Gaul.

period. The druidical religion in that country was in its decline, and the worship of the victorious gods of Rome not yet adopted, when in Massilia, which from time immemorial had cultivated close relations with Asia Minor, the first Christian community was founded. The new faith spread rapidly from the valley of the Rhone into the interior of the country. The conquerors found a nation exhausted by the storms which had followed the great migration of the tribes. One class alone, the clergy, had gained strength during the decay of civil order; the more feeble the secular the firmer had become the ecclesiastical community. In the bishops the people had found the sole champions in their need against the rapidly changing rulers. They belonged to the people, and were chosen by them and by the clergy; they were the sole bearers of civilisation in that age of barbarism. Thus to the Franks also they appeared as the representatives at once of the Latin population and of the Christian community. The zealous adherence of new converts to this community promoted the spread of the Frankish dominion, while, on the other hand, it was of unmixed advantage to the bishops. These were the only persons whose position was not affected by the overthrow of the Roman empire, but, on the contrary, grew in importance. The Gallican bishops had been among the first to acknowledge the right of supremacy in the bishop of Rome, and even remained faithful to him, when, at the establishment of the kingdoms of the Visigoths and Burgundians, who took possession of two-thirds of the country, they were forced to submit to the temporal domination of the Arians. Thenceforth, in the North they obtained protection from the Catholic Merovingians against the earlier threatening invasion of heathenism; while in the South, by the repulse of the Visigoths across the Garonne and the subjugation of the Burgundians, they were freed from the heretical Arians.

Thus Pope Anastasius II. could well hail with joy the new order of things. The Frankish kings became the beloved sons of their mother, the Roman Church, and were called her pillars of iron. Closely, therefore, as the interests of the new dynasty and the Church were interwoven, it cannot be wondered at that the latter, which already had acquired under Roman rule no inconsiderable possessions, was richly endowed by the kings. The violation of the persons or property of ecclesiastics was punished with especial severity. The large amount of *weregild* which the laws imposed in favour of the clergy, is a proof of their growing estimation. The observance of Sunday was enforced by law, and the privilege of sanctuary in churches was largely extended. This policy of indulgence fell far short indeed of granting autonomy to the Church. On the contrary, as her dignitaries constituted also a power in the temporal sphere, so the secular potentates exercised a similar authority in spiritual matters. Thus the mutual interfusion of the ecclesiastical and political elements of society became a characteristic of that age. The convocation of synods was dependent on the consent of the king, and their decrees were submitted to his scrutiny and sanction. Later on, in the place of the synods came the *concilia mixta*, at which the bishops and the temporal grandees assembled, to deliberate in common on the laws for the State as well as the Church. So long as the bishops were drawn from the population of Roman Gaul, the canonical method of their election by the clergy and community, under the co-operation of the neighbouring bishops of the province, was maintained, and the kings continued to confirm the choice. In proportion, then, as Franks of high position applied for episcopal sees, the monarch exercised a direct influence upon the election. By a Capitulary of 614, Clothaire III. reserved to himself

Fusion of civil and ecclesiastical authority.

the right of appointing learned and worthy members of his Court clergy, and soon the electoral prerogative passed entirely into the hands of the king, who granted bishoprics like secular offices. In a similar manner the landed proprietors exercised the right of appointing priests to the churches which they had built and endowed, and which for the most part remained in their possession.

Ecclesiastical and civil jurisdiction.

As regards jurisdiction, the Church was absolute in all ecclesiastical affairs, and maintained discipline over the clergy, as well as over the laity, by diocesan visitations, and by their peculiar institution of synodal judicature. In all criminal offences of the clergy the competency of the secular magistrate was an established principle; but the bishops were so far privileged that, although summoned on indictment to appear before a secular tribunal for trial, the sentence could be pronounced only by the Synod, which limited its punishment, according to ecclesiastical law, to deposition from office, excommunication, and confinement in a cloister. With regard to the inferior clergy, the Church obtained merely the assurance that they should be judicially punished in conformity with canonical law, to the exclusion, therefore, of torture, and their cases tried by their ecclesiastical superiors. In civil causes, if both parties, or even the defendant alone, belonged to the clergy, as also in all mixed questions, the Church had the right of instituting in the first place an arbitration before the episcopal tribunal (*audientia episcopi*). If this proved ineffectual, then the secular magistrate decided. The latter also determined such disputes as those relating to diocesan boundaries, in so far as they involved immovable property; questions of tithes, as real rights of usufruct; and the deposition of a priest by his bishop, as a quarrel between the landed proprietor and his vassal. There were civil laws also of inheritance and of marriage, in addition to the canonical regulations on such matters.

The State did not prevent the Church from putting her own ordinances into execution, so far as she could do so by ecclesiastical means, and if the parties agreed thereto; but when these conditions were wanting, then the State asserted its competency. The Church had therefore no tribunal in the sense of a public constitution; but she certainly enjoyed at that period considerable privileges, the more so, because her spiritual punishments not only possessed a great deterrent influence in themselves, but entailed, moreover, a multiplicity of temporal disadvantages, such as exile and confiscation of property, which followed upon excommunication. But, besides this, the Church exercised upon her own territory the same supreme jurisdiction as all other landed proprietors, and her territorial possessions, to which a legal sanction had been affixed in 313 by the Edict of Milan, were increased by the liberality of the kings, and still more by the charitable foundations and gifts of private persons, whose zeal or repentance the clergy well understood to turn to profitable account.[1] By legacy-hunting, moreover, and by forgeries of charters, they had enlarged their estates so far, that their extent at the end of the seventh century may be computed at one-third of the entire landed property in Gaul.

Enrichment of the Church.

All this, however, effected a material change in the relations of the Church to the State and the civil com-

Her relations with the State.

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[1] As crimes were compounded for by *weregild*, so sins were atoned for by oblations to the Church, since the priests taught that whatever was given to the Church was given to God Himself. Thus Eligius, bishop of Noyon (639), declares that only donations to the Church and the poor are to be regarded as inalienable property. 'Quod si observaveritis securi in die judicii ante tribunal æterni judicis venientes dicetis: Da Domine, quia dedimus.' Here, then, we find the principle of simple purchase set up, whereas previously this condition at least was affixed, that the gifts of charity must be offered with a contrite heart, in order to be of any avail. Salvianus *ad Ecclesiam*, circa 480.

munity. As regards the latter, the bishop was not only the ecclesiastical head of his diocese and of those clergy who were entirely dependent upon him, but also the wealthiest person of his district, and lord of the Church property within those limits, as well as over all who lived upon it. But with respect to the position of the Church towards the State, we must remember that in the Frankish monarchy the exercise of State power was virtually comprehended in the supreme direction of war and the administration of justice. All objects outside those functions the State left to those autonomous associations, the corporations of the *commune*, of boundaries, and of trades. Among these corporations, the Church, from her increasing territorial possessions and her immunities, had become by far the most powerful, and enjoyed absolute self-government and the unrestricted exercise of her rights. The concentration of an enormous landed property in the hands of a corporation, endowed in other respects with large privileges, constituted a State within the State. The concentration of the Church property of a diocese presented a compact entirety to the civil power. The bishops became the more independent as they were the sole subjects of the realm who were judged only by their equals, and were responsible only to the ecclesiastical tribunal of the synod. But the consequences of this exceptional position, no less than of the increasing opulence of the superior clergy, were momentous for the internal relations of the Church. The bishop certainly had to defray from the proceeds of the Church property the maintenance of ecclesiastical fabrics and of the inferior clergy, but the latter were placed by that means completely under his power; they dared not leave the diocese without his permission; they could be degraded by him;[1] and were subject to his

Territorial power of the bishops.

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[1] The doctrine of the *character indelibilis* belongs only to a later time.

power of punishment. Of course they could appeal to metropolitans and to synods, but the bishop was only subordinate to the metropolitan in matters of external policy, and the synods could not exercise any permanent supervision. If ever they did interfere against the bishop, they adopted the mildest possible measures, in order not to undermine spiritual authority. In this manner little by little the discipline of the Church went completely to ruin. Although, therefore, in the Frankish kingdom, where the ancient traditions of heathenism were still struggling with Christian teaching, and the various nationalities were torn with mutual feuds, and where the corruption of the Latin-Celts was mixed with the rudeness of the German conquerors, the Church remained the great civilising power, nevertheless, in spite of her preaching clemency towards prisoners and bondsmen, caring for the sick and needy, protecting the widow and the orphan, and striving to curb, by means of ecclesiastical discipline, the grandees who oppressed the poor, she herself did not escape the growth of worldliness and the ravages of moral decay. In the universal scramble for riches and lucrative benefices, the grossest immorality prevailed and spread, and Gregory of Tours had good reason to lament that the tares of the devil flourished among the bishops of the Lord.

Spiritual decline.

The danger thus arising to the State was all the more formidable, because on the one side the Merovingian dynasty was being distracted by horrors only equalled by the crimes of Atreus, while the sceptre of the once powerful Frankish kings fell into the hands of decrepit weaklings; and, on the other side, because the stability of the State itself was seriously threatened from without. From the North-east were pressing forward the tribes of the Saxons and Frisians who had remained unconverted and unsubdued; while in the South swelled the mightier torrent of victorious Islamism, which overthrew the king-

Degeneracy of Frankish kings.

dom of the Visigoths in Spain and poured its deluge over the Pyrenees into the kingdom of the Franks. The danger was imminent, that heathenism and Mahomedanism should decide the destiny of Western Europe, and annihilate the scarcely settled fabric of Christian civilisation.

Mayors of the palace.

It was a circumstance, therefore, equally opportune and important, that in the chief officers of the Merovingians, the administrators of the domains of the crown, or mayors of the palace, a power arose which prevented the declining kingdom from falling to pieces. Hitherto, there had been generally three mayors for the three great divisions of the kingdom, Austrasia, Neustria, and Burgundy. Pepin Heristal, by his victory at Testri in 687, made himself sole mayor (*Major domûs*, *dux et princeps Francorum*), and employed his power, thus usurped, to repulse the attacks of the Frisians and Saxons. Still more extensive was the restless activity of his famous son, Charles Martel. He saw that the ever-increasing territorial independence of the bishops was imperilling the stability of the State power, the more so, since many of the royal officers, counts, and dukes were also aspiring to a similar position. A kingdom thus disintegrated into smaller principalities, could not resist the threatening irruption of the Saracens. Charles broke the power of these territorial prelates and nobility, by converting the secular potentates once more into officers of the crown, and by reducing the bishops so far to dependence on the government, that he claimed the exclusive right of appointing, and even of deposing them, according as political considerations might dictate. He treated them, therefore, as mere functionaries of the State, without regard either to canonical law or to those judicial prerogatives which had been regarded till then as inviolable. Having thus reconsolidated the power of the State, he

The hierarchy reduced by Charles Martel.

drove back for ever the Saracens across the Pyrenees by the decisive battles of Tours and Narbonne.

The prominent position which he secured by this triumph was soon brought to bear upon other territory. In Germany, as far as the Roman rule extended, bishoprics had been founded along the Rhine and the Danube. Under the influence of the Franks, Christianity had advanced as far as the Saal, but without any ecclesiastical system, and tinctured with heathenism. On the Maine and in Suabia the British missionaries Kilian, Fridolin, and Columban, had preached the Gospel, but this mission was regarded with jealousy by the Roman Church, because, in common with a large portion of the British Church at that period, it denied the right of the Pope to pronounce final decisions. As a counterpoise to these proselytising efforts, Gregory II. in 713 sent the English friar Winfrid, better known as St. Boniface—whom, as he writes, 'we have consecrated bishop, whose faith and morals we have approved, and whom we have instructed in the precepts of our Apostolic See'—to 'proclaim the Word of God to the German people eastward of the Rhine, who are still imprisoned in the darkness of heathenism.' Boniface, therefore, whom Charles Martel, at the request of the Pope, provided with a letter of protection to all temporal and spiritual dignitaries, was an apostle of the Germans, not in the sense of having been the first to preach the Gospel to them, but because he brought about the overthrow of heathenism, and organised the German Church, assimilating her system to the Roman hierarchy. The bishops of Ratisbon, Salzburg, Passau, Freisingen, Würzburg, and Eichstädt, recently appointed by him when archbishop (he was nominated by Gregory III. in 732), had to promise, with all the other Austrasian prelates, at the 'Concilium Germanicum' in 742, to submit themselves to the discipline of the Roman Catholic Church, under its guardian and protector, the

Mission of St. Boniface to Germany.

Pope, and to request the pallium at his hands, in token of subjection.[1] Two years later the clergy of Neustria, at the Synod of Soissons, bound themselves to obey the Papal See. But it must be considered that Boniface, with all his devotion to the papacy, in no way entertained the later theory of the absolute power of the popes, according to which the bishops appear only as their delegates. His conception of the hierarchy was that which Rome herself at that time had not pushed further than himself, and according to which every superior grade controlled the one below it, but each was entitled to equal rights within its own limits. As the metropolitans were over the bishops, so the Pope, as the keystone of the hierarchy, was the head of the whole Church; he decided only in the last resort, and administered the order and government of the Church in conformity with her laws. Boniface opposed the interference of the popes with the privileges of subordinate dignitaries of the Church; as, for instance, when Stephen, during a visit to France, consecrated a bishop of Metz, a duty which, according to the canons, belonged to the metropolitan.[2] If, therefore, it must be admitted that Boniface, by his active interference, interrupted the independent development of the German Church, and facilitated her union with the Papal See, we must emphatically remark, on the other hand, that it was hopeless to look to the internal vitality of the Frankish clergy for a regeneration from their demoralised condition. When Charles Martel found himself compelled to break the territorial independence of the bishops, he could not arrest the internal decay of the Church: he even hastened that decay by appointing men to bishoprics who had no other claim than that of devotion to his person, and who were frequently quite unworthy of their ecclesiastical position. Only a strict hierarchical discipline could restore order in the Frankish Church, and Boniface devoted all his energies to its regeneration in this respect. As no council had been held in the Austrasian Church for more than eighty years, stringent decrees were passed at the Concilium Germanicum above-mentioned, for the revival of Church discipline, for the holding of annual synods, for the subordination of the clergy as well as the monasteries to the bishop, for regulating the duties of the parochial clergy, and for the suppression of heresy as well as the lingering remains of heathenism.[1] Similar regulations were prescribed for the Neustrian Church at the Council of Soissons, and the decrees of both councils were embodied in the Frankish laws of the kingdom. The nomination of bishops by the State was not touched upon. At the Concilium Germanicum, Carloman confirmed the election of bishops nominated by Boniface, as well as the elevation of the latter to the archbishopric, in the form of an independent nomination;[2] only the granting of bishoprics from motives of worldly interest was prohibited by the regulations then issued. But although Carloman and Pepin, under the influence of Boniface, renounced this latter practice, both of them fastened upon another but equally decisive measure to control the pro-

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[1] Decrevimus in nostro synodali conventu, et confessi sumus fidem Catholicam, et unitatem et subjectionem Romanæ ecclesiæ fine tenus servare, S. Petro et vicario ejus velle subjici, metropolitanos pallia ab illâ sede quærere, et per omnia præcepta S. Petri canonice sequi.

[2] Rettberg, *Deutsche Kirchengeschichte*, i. p. 413.

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[1] Can. v. Decrevimus ut secundum canones unusquisque episcopus in suâ parochiâ sollicitudinem adhibeat, adjuvante gravione qui defensor ecclesiæ est, ut populus Dei paganias non faciat, sed ut omnes spurcitias gentilitatis abjiciat et respuat.—Walter Fontes, *Jur. Eccl.* Vol. I. p. 19.

[2] Ordinavimus per civitates episcopos, et constituimus super eos archiepiscopum Bonifacium, qui est missus Sancti Petri.—*Ibid.* p. 18. Not Cologne, as he and the pope wished, but Mentz was assigned to him in 745 as his see.—'Rettberg,' I. p. 356.

Spoliation of Church property.

perty of the Church. Already under Charles Martel, the bishops appointed by him had shown their gratitude by granting leases of Church lands, usually for life, to laymen, under the name of *precariæ*, as having been obtained originally at the prayer of the grantee. The laity, on the other hand, appropriated in various ways by force large ecclesiastical possessions. It was now determined, that in order to satisfy the growing exigencies of the State,[1] those domains should continue in the hands of their present possessors. The latter, in return, were bound to render to the sovereign additional service in war, and to give to the churches, on the other side, an acknowledgment wherein they declared that they had received the property as life-tenures in fief, *precaria verbo regis*, and promised to pay a certain rent to the Church, to enable her to supply her necessities. After the death of the feoffee, the estate reverted to the Church, who, however, eventually ('*si necessitas cogat et princeps jubeat*') was required to alienate it again. In this measure the clergy acquiesced, through the pressure of the times, and when Boniface complained of it to Pope Zacharias, the latter referred him to the impoverished condition of the kingdom, and remarked that they must be content with what rent they could get, and postpone any further claims to a more favourable turn of affairs. The Church submitted, in spite of the resistance of Boniface, because at Rome this compromise was by no means regarded as a simple surrender, but as the price for the incorporation of the Frankish Church into the Roman hierarchy, and because, at the same time, the pope, by his pliable conduct on this point, established all the stronger claim on the protection of Pepin for his temporal independence, then so hardly pressed.

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[1] Propter imminentia bella et persecutiones ceterarum gentium quæ in circuitu nostro sunt, in adjutorium exercitûs nostri. Capit. of Carloman, A.D. 743. Baron. Ann. Eccl. xii. 491.

The Popes and Byzantium.

Formerly no pope, after his election by the people and the clergy, could obtain consecration without the sanction of the emperor. The proceedings of the election were scrutinised at Byzantium, and the imperial confirmation had to be waited for, before the new pontiff could consider himself as the legitimate successor of St. Peter. Indeed the election of the Roman bishop differed so little from that of other bishops of the empire, that the imperial lieutenant at Ravenna was generally commissioned to examine and to confirm the election. But a new era now began. While the general confusion caused by the great migration more and more profoundly agitated Italy, the Roman Church alone had augmented her power and her possessions. Irrespective of her wealthy estates in other parts of Italy, the Roman bishop, by the removal from Rome first of the emperors, and then of the Gothic kings, had gradually, but in the strictest sense, become the supreme head of the city, as of the adjacent patrimony of St. Peter. Although the popes were not in a position to refuse obedience to the existing sovereigns, who, even if, like Odoacer or Theodoric, they were Arians, exercised the right of the Roman emperors to confirm their election as bishops of the empire, still they understood dexterously to steer a middle course between the contending powers, and to push themselves forward between them into a position of greater freedom. Under Theodoric they inclined to the side of the Byzantine emperors; after the latter had re-established their dominion in Italy, to that of the Lombards, who had founded a kingdom in the north of Italy in 568, had embraced the Catholic faith, and rapidly coalesced with the provincials into a new nationality. The bishops of Rome had invariably taken the opposite side to Byzantium in questions of dogma, and the Monothelite dispute in 649 had served to embitter the old antagonism. A new religious controversy now offered

Leo III. and image worship.

to them an opportunity to shake off entirely the imperial yoke. Leo the Isaurian had resolved to abolish the worship of images, which seemed to him to darken the spiritual atmosphere of Christianity, and accordingly issued an edict in 726, prohibiting their adoration as idolatrous. This decree, which was regarded as an innovation, excited tumults even in the Eastern empire, and in Italy produced a general rising of the people. At Ravenna the exarch Paul was killed; and Gregory, yielding to the popular current, convoked a synod of Latin bishops at Rome, excommunicated the emperor himself as a heretic, and suspended the payment of the customary vectigalia to the imperial treasury. Liutprand, the Lombard king, taking advantage of these disorders, now came forward as the champion of orthodoxy and the Church, invaded the exarchate, seized Ravenna, and claimed the dominion, vacant by the death of the exarch, for himself. Thence he pushed his rule gradually farther into Italy, and seemed to be upon the point of expelling the Byzantines, who hitherto still maintained their position in the south and east of the peninsula. Italy would thus have obtained her political unity, but that this very consummation was regarded, not unnaturally, by the pope, as a serious danger to his spiritual primacy, which could only be enforced with the support of his temporal independence. He had raised himself in proportion as this had increased: if the Roman bishops became subjects of the kings of Italy, as they had hitherto undoubtedly been subjects of the Roman emperors, their supremacy in the Church was at once imperilled. In face of this impending danger, Gregory II. had already persuaded Ursus, the imperial governor, to undertake the recovery of Ravenna, and sought to conciliate the schismatic emperor by opposing the designs of the Ravennatines to set up an emperor of their own. His successor,

Gregory III. appeals to Charles Martel against the Lombards.

Gregory III., alarmed at the advance of Liutprand upon Rome, sent bishop Anastasius in 740 to Charles Martel, who, after the death of the phantom monarch Theodoric IV., governed alone as regent. The papal ambassador delivered to him the keys of the shrine of St. Peter, as a symbol of sovereignty,[1] and entreated him to deliver Rome from the power of the Lombards, adding the secret promise that, in this case, he would renounce, with the Roman people, his allegiance to the Byzantine emperor, place himself under the protection of Charles, and confer upon his protector the title of patrician of Rome, which, shortly after the restoration of the Byzantine rule in Italy, had been bestowed on the Exarch of Ravenna as lieutenant of the emperor. Little right had the pope, indeed, thus to dispose of an office established by his legitimate suzerain ; but besides this, the political relations between the Frankish and Lombard kings were not such as to provoke their mutual hostility. Both, on the contrary, had previously been on excellent terms. Liutprand was the friend of Charles, and the extension of his rule over the whole of Italy could never endanger the vastly superior power of the latter ; while the Franks, on their part, had never interfered in the relations of the Lombards with Italy. Charles, accordingly, declined the papal offer, however flattering the mission was to him. The pope, however, understood so artfully to make his peace with Liutprand, that the invader not only withdrew from Rome, but was ready to give the town of Sutri 'to the holy apostles Peter and Paul,' in the person of the Roman bishop, a gift which he, as conqueror, might be entitled to bestow, but which Gregory III. was certainly wrong in accepting, it being the property of his sovereign, the

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[1] 'Conjuro te . . . per sacratissimas claves confessionis Beati Petri, quas vobis *ad regnum* direximus.' Anast. ap. Baron. ad. ann. 740. Another reading gives 'ad rogum.'

Byzantine emperor. His successor, Zacharias, obtained still more important donations from Liutprand, and understood to keep on good terms with him.

So far the popes, by a timely reconciliation with the Lombards, had been able to preserve an artificial balance of power in Italy. But matters assumed a different complexion, when Astolph revived the project of uniting the peninsula under one sceptre, recaptured Ravenna, and as successor of the exarch, demanded the submission of Rome and the Roman duchy. Once more and with better success, the Pope applied abroad for aid, this time to the son of Charles Martel, who already, with his concurrence, if not at his command,[1] had dismissed Chilperic, the last of the Merovingians, into a convent, and usurped the Frankish crown. According to the law of the Franks, the Merovingians were the only *nobiles*, and only such an one could be king. Pepin's family, the Arnulfingians, were not of noble origin, and he felt the necessity of supplying this defect by obtaining the sanction of the Church. This sanction the pope Zacharias willingly bestowed, declaring that it would be better that he who possessed the power should also bear the title of king.[2] His successor, Stephen III., against whom Astolph renewed his oppression, now resolved to invoke the aid of Pepin in person. He hastened to the monastery of St Maurice,[3] and was received with great honour by the Frankish king at his palace at Pontyon, who promised to restore the exarchate of Ravenna and all the privileges of the Roman republic. The next year (754) Pepin, finding his remonstrances to

Pepin, 752–768.

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[1] 'Jussu Romani pontificis depositus ac detonsus est.' Eginhard Vit. Car. Mag. c. 1.

[2] 'Ut melius esset illum regem vocari, qui potestatem haberet, quam illum, qui sine regali potestate manebat, ut non conturbaretur ordo.' Annal. Franc. ap. Duchesne.

[3] Anast. ap. Baron.

Astolph rejected, summoned his nobles to meet him at Braine, near Soissons; and finally, at a diet convoked at Quiercy[1] during the Easter festivities, solemnly renewed his promises to the pope, and undertook to reinstate him in the territory, which had been wrested from him by the Lombards. Stephen, in return, commanded the Franks, under pain of excommunication, to choose in future no sovereign from any other family than the Carlovingian,[2] and invested Pepin with the title of patrician of Rome, a dignity which, of course, he had as little right to bestow as his predecessor had to offer it to Charles Martel. Pepin promised to Stephen the restitution of Ravenna and of the exarchate.

The forged donation of Constantine.

This word restitution (*restitutio*) first becomes intelligible when connected with the fictitious donation of Constantine, manufactured at Rome. According to the legend, Constantine was healed of the leprosy by the pope Silvester; and out of gratitude, granted to the Roman see the supremacy over all the churches of the earth, and in particular over the patriarchates of the East; not only the palace of the Lateran and the imperial insignia, but the sovereignty of Rome, Italy, and the provinces of the West—that is to say, Lombardo-Venetia and Istria. The object of this fiction was to give an historical colouring to the 'restitution' of Pepin, as the Frankish monarch would hardly have resolved upon a rupture with the Byzantine emperor, had the pope not understood how to convince him that the restitution was simply that of an old donation to Rome. Hitherto Rome and the Roman duchy had been considered part of the territory of the exarch; now, since the expulsion of the latter by the Lombards, Rome was placed in the centre, and the

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[1] 'Ad locum qui Carisiacus appellatur.' Anast. Hadriani I.

[2] Clausul. de Peppini in Franc. regem consecr. ap. Bouquet, vol. v. p. 9.

The Pope a temporal power.

exarchate included in her possessions, while the pope was made to occupy the position of his imperial suzerain. Astolph, routed by the Frankish troops at Pavia, yielded to the menacing power of the conqueror, but no sooner had Pepin withdrawn his forces, than he broke his promises of peace, and marching upon Rome, demanded the surrender of the pope. The entreaties of Stephen brought Pepin himself to Italy; and the final overthrow of the Lombards was followed by the establishment of the pope in the promised exarchate. While thus the papacy not merely freed itself ecclesiastically from the effete Byzantine empire, whose ambassadors vainly demanded the restitution of Ravenna, but entered definitely into the circle of the temporal powers, the first germs were introduced of those intestine divisions which originated from the concentration in a single person of the temporal and spiritual sovereignty; and the disintegration of Italy was sealed for a thousand years, since the papal policy had henceforth to be directed in such a manner as to keep the peninsula so divided that the mutual jealousy of the different rulers should ensure the independence of the pope.

Charlemagne, 771–814

The work thus begun was completed by Pepin's son, Charlemagne. At first, indeed, it appeared once more as if Lombards and Franks, by a double alliance between the two dynasties, would be united; for, in spite of the protest of Stephen III., who denounced this union, by which the 'glorious people of the Franks would be defiled by the perfidious and fœtid Lombards,[1] as a 'truly diabolical suggestion and a marriage of the most shameful kind,' Charlemagne persisted in espousing the daughter of

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[1] 'Perfidâ, quod absit, et fœtentissimâ Langobardarum gente, quæ in numero gentium nequaquam computatur, de cujus natione et leprosorum genus oriri certum est.' Cod. Carol. ep. xlv., ap. Murat. III. part ii. p. 179.

Desiderius, the Lombard king. Scarcely, however, had twelve months elapsed when he repudiated her, with the exulting approval of the pope; and three years later he had broken the power of the Lombards, adorned himself at Pavia with the iron crown, and made Northern Italy a part of the kingdom of the Franks. A.D. 774 As regarded the papal territory, a forged document was laid before him by Adrian at Rome, which purported to be a donation made by his father. Charlemagne renewed it, just as it was shown to him, and therewith gave away whole tracts of territory—including Corsica, Venetia, Istria, Parma, Reggio, and others, none of which were in his possession; adding, however, a later stipulation to the gift, that Rome should first prove distinctly the legality of her title. With regard, however, to the election of popes, he was not content, as his father had been, with asserting his right of confirmation as one which he had inherited from the exarch,[1] but he claimed a feudal suzerainty over Rome, which was not formally included in any of the donations, as well as over the entire temporalities of the Curia. But the pope needed such a supreme protector against the refractory nobles of the Campagna. Leo III., the successor of Adrian, was compelled, in 799, to fly from a conspiracy among them, and to appeal for assistance to the patrician Charlemagne, at Paderborn, who conducted him back to Rome, and was crowned by him Roman emperor on Christmas Day, 800.[2]

Crowned emperor of Rome, 800.

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[1] Lorenz, in his instructive work, *Papstwahl und Kaiserthum*, draws attention to the fact, that the letter in which Paul I. begged for the assent of Pepin to his election is the same formulary as that in which the sanction of the exarchs of Ravenna was requested.

[2] Three distinct theories, none of them entirely correct, were put forward, in later times, concerning Charlemagne's coronation. The Swabian emperors ascribed his title to the right of Conquest; the Roman party to his election by the senate and people of Rome; the popes asserted that he owed his dignity to the Holy See. Bryce, 'Holy Roman Empire,' p. 57.

This event was an epoch, in the highest sense of the term, in the history of the world; for it decided for centuries the fate of Western Christendom. The majesty of the Roman empire, moreover, made a profound impression upon the German nations, who had overthrown its supremacy in Western Europe. Their princes were proud of the titles which they received from the emperor. Athanaric, the Gothic chief, during his visit to Constantinople in 381, exclaimed, 'Surely the Emperor must be a god on earth,'[1] and the chief ambition of Ataülf was to restore the Roman name by the power of Gothic arms.[2] The Roman population of Italy, on their part, esteemed these military monarchs as imperial lieutenants, even after Byzantium had lost all real power in the peninsula; and when Belisarius re-conquered Italy, he was regarded by the people simply as the restorer of legitimate order. The transfer of the title of emperor to Charlemagne, which it was speciously attempted to justify, on the ground that the Byzantine rulers had incurred the guilt of heresy by suppressing the worship of images, and that the imperial throne could not be occupied by a woman, Irene, who had taken possession of it after the dethronement and blinding of her son, was therefore undoubtedly a revolution, the far-reaching consequences of which were soon brought to bear on all sides. The powerful man of German blood who was anointed emperor, the successor of those great commanders who had victoriously defended Christianity against heathenism and

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[1] Deus, inquit, sine dubio terrenus est Imperator, et quisquis adversus eum manum moverit, ipse sui sanguinis reus exsistit. Jornandes de Reb. Get. cap. 28.

[2] Referre solitus est elegisse se saltem ut gloriam sibi de restituendo in integrum augendoque Romano nomine Gothorum viribus quæreret, habereturque apud posteros Romanæ restitutionis auctor, postquam esse non potuerat immutator. Orosius de Arb. Lib. c. xliii.

Islam, would now no longer reign as the king of the Franks, but claimed the sovereignty of the world, as the same had been exercised by the ancient Roman emperors, and accordingly he made all his subjects who had already sworn allegiance to him as king take a new oath to him as emperor. And, what was more important, the Western world recognised this claim, notwithstanding that the line of Byzantine successors of Augustus still continued, and possessed a part of Italy. Though Charlemagne, by his new dignity, acquired not an inch of ground or jot of material power, yet it gave him a moral grandeur which raised him also in the eye of the law above all the princes of the West. In the *dominium mundi* of the new Roman Emperor, Catholic Christendom found its craving satisfied for a general international polity based on law, such as was presented by the unity of the Church in the papacy. The union of both powers gave a counterpoise to the ever-threatening power of Islam. While the feeble Byzantines paid a shameful tribute to the Caliphs, the Frankish Emperor, as supreme head of Christendom, received the keys of the Holy Sepulchre from the patriarch of Jerusalem. Of course this nominally restored empire had but little in common with the ancient one. It had neither the centralised authority nor the absolute power of the Cæsars ; on the contrary, its principle was the dependence of the Emperor upon the Pope, since the former could only attain to his dignity through the position of the Roman pontiff. So long, however, as the latter, from the condition of Italy, so urgently required protection, both powers directed their energies to the task of mutual support. The newly-elected pope, acknowledged by the emperor, promised loyalty to his secular protector : the emperor received from the pope the consecration and blessing of the Church, and promised his protection, as her guardian, to the temporal as well as to the spiritual

Alliance of Emperor and Pope.

power of Rome, just as Constantine and Justinian had granted that protection before him. With the extension of his empire from the Ebro to the Eider, followed the subjection of those territories to ecclesiastical rule: Frankish conquest and Christianising were synonymous. Thus Charlemagne writes to Leo III.: 'It is our office to defend the Church everywhere with arms against the irruption of the heathen and the ravages of infidels from without, and to strengthen her bulwarks by the recognition of the Catholic faith. Your prudence and authority shall take care that she remains faithful to the canonical laws, and adheres unswervingly to the precepts of the holy Fathers.' And inasmuch as the discipline of the graduated hierarchy of the Church was necessary, at that time, for the civilisation of the great masses of the people, the reign of Charlemagne became the union of all elements of culture in the West, the renewal of Roman Imperialism in the spirit of German Christianity. In order to appreciate correctly the origin of these relations between Empire and Papacy, we must not limit our conception to a modern point of view, which is involuntarily affected by the later contest between the two powers, resulting, on the one side, in the national dismemberment of Germany and Italy, and, on the other, in the secularisation and corruption of the Church through the victory of the papacy. It is easy to demonstrate, as Sybel, for example, has done in his 'Deutsche Nation und das Kaiserreich,' that the imperial dignity brought no lasting advantage to the people of the Frankish and German kingdoms, but rather a fatal dowry in the aspiration for universal dominion. But the course of history is not determined by what people, if they could penetrate the future, *would have* thought, but by what they actually did think and feel. The Western world, as it was constituted in the time of Charlemagne, appeared to all contemporary witnesses, by this union of the empire with the

Personal influence of Charlemagne,

visible and united Church, as the sole condition of society under which Christianity could obtain the protection of a stable system of law; and it was precisely because the puissant personality of Charlemagne was considered the sole guarantee of this protection against anarchy, barbarism, Islamism, and heathenism, that he formed the starting point and author of a new era.

his relations with the Church,

The powerful position of Charlemagne, on the one side, and, on the other, the need of the pope for protection against his enemies in Italy, prevented any conflict from arising between two powers so closely allied. The emperor, with all his veneration for the pope, was by no means disposed to resign to him the ecclesiastical supremacy within his empire, but, on the contrary, deduced from his obligation to protect the Church, very definite rights of control. His position towards her was no longer that of his father, such as Boniface had created it. According to his theocratic conception of the newly-acquired empire, 'the State itself amalgamated with the Church, and had to solve, under its supreme head, the Emperor, the highest problems in worldly matters to the glory of God.'[1] Certainly, Charlemagne interpreted these problems in the most benevolent manner for the Church. He not only exalted the canons and decrees, according to the Dionysian Codex, into laws of the empire, but even deferred to the wishes of pope and clergy regarding the relations of Church government. He secured to the metropolitans all rights which they were entitled to by the ancient laws of the Church, especially the right of consecrating bishops, the regular jurisdiction in complaints against bishops, and in appeals from judgments of episcopal tribunals, the right of inspecting the administration of ecclesiastical affairs in the provinces, of superintending the observance of Church laws, and of convoking, for that purpose, the provincial

[1] 'Rettberg I.,' p. 432.

prelates to synods. As regards the position of the bishops, the extent of their official authority remained unchanged, while its exercise was so far modified, that the numerous details of their business were systematically apportioned among the episcopal assistants, who gradually associated together in one building—the monastery—and lived according to monastic rules, but were allowed, nevertheless, to possess property.[1] We have already observed that the landed proprietors of churches which they had founded and endowed, claimed, for the most part, the right of appointing the minister. The gross abuses to which this practice led, provoked in the eighth century the attempt to subject the exercise of this lay-patronage to the assent of the bishop. In the next century this assent was made an imperative condition of nomination, while the landlords (*patroni*, *seniores*) retained merely the right of nominating a minister to the bishop, in whom was vested the option of appointment.[2] But the emperor gave to the Church its most material basis, not only by restoring many of the estates which had been confiscated by his

his ecclesiastical laws.

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[1] Monastic institutions were of high antiquity, but their discipline had fallen into disrepute. An intermediate class between the regular and secular clergy—the *fratres Dominici*, afterwards called *canonici*—was instituted in the eighth century, according to the rule commonly ascribed to Chrodegang, bishop of Metz. Walter. Fontes *Jur. Eccl.* i. 20 *sqq.* Charlemagne endeavoured frequently, but in vain, to revive the scheme of St. Augustine, by which the clergy were to live in common, under the canonical control of the bishop. 'Qui ad clericatum accedunt, quod nos nominamus canonicam vitam, volumus ut episcopus eorum regat vitam.' Cap. 789. 'Canonici in domo episcopali vel etiam in monasterio. . . . secundum canonicam vitam erudiantur.' Cap. 802.

[2] 'Statutum est, ut nullus ex laicis presbyterum vel diaconum, seu clericum, secum habere præsumat, vel ad ecclesias suas ordinare absque licentiâ seu examinatione episcopi sui.' Cap. Carol. M. A.D. 802, c. 13 ap. Pertz III. p. 106. 'Ut sine auctoritate vel consensu episcoporum, presbyteri in quibuslibet ecclesiis nec constituantur nec expellantur.' Cap. Aquisgr. Ludovic, A.D. 817, c. 9, *ibid.* p. 207.

Compulsory enactment of tithes.

father, but by enforcing and perpetuating the existing obligation to pay a Church tax on all landed property, the tithes, a measure which created the utmost discontent, and repeatedly gave rise to disturbances among the newly-conquered nations, who regarded the payment of such a tribute as a degradation to free men.[1] On the other hand, Charlemagne was in no way blind to the faults of the clergy, and their immorality, avarice, and simony became the frequent subjects of stringent penal enactments.

Church government of Charlemagne.

In thus regulating by his capitularies the administration and discipline of the Church, down to the minutest details, and interfering even in questions of doctrine,[2] he asserted his right to the government of the Church. He convoked the synods, which acknowledged his ecclesiastical supremacy, and awaited his confirmation of their decrees. He appointed and deposed bishops, in the same manner as his counts, and subjected both to his itinerant judges or plenipotentiaries extraordinary (*missi regii*), an office to which ecclesiastical dignitaries also were appointed. The latter, moreover, by virtue of their landed possessions, assisted with the temporal grandees in the deliberative assemblies of the nation; and the spiritual, no less than the temporal, seignors were obliged to furnish their contingent to the Heriban.

Disruption of his empire.

Charlemagne's universal empire fell to pieces after his death; and under his feeble successors the position of the Church towards the State was materially altered. The relations, indeed, of Emperor and Pope still remained on their footing of reciprocity, but they shifted with the varying exigencies of the moment. Undoubtedly the dignity of the emperor depended upon his papal consecration. Thus Louis II. writes, in 871, to the Greek emperor, Basil I.: 'Unctione et consecratione per summi pontificis manus impositionem divinitus sumus ad hoc culmen provecti.' But could a Pope be elected without the sanction of the Emperor? No treaty had been concluded between Leo and Charlemagne, and the latter died before a new election occurred. Under the feeble Louis the Debonair (814–840), Stephen IV. and Paschal I. neglected to apply for this ratification; but when Eugene II. proceeded to imitate this example, Lothaire I., the son and co-regent of Louis, hastened to Rome and restored the imperial authority. The pope and the Romans were compelled to promise that no pope should receive consecration in future until he had taken, before the imperial ambassador, the oath of allegiance to the emperor as his lord and suzerain.[1] And for future times as well, the essence of these relations remained unchanged, although the form and importance of the co-operation of the temporal power in papal elections were subject, as we have seen, to fluctuations. Theoretical arguments, of course, are met with, even at this early period, asserting the precedence of the papacy, on the ground that the kings were only exalted to the supreme dignity by the papal anointing,

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[1] Their division was regulated into three parts; one for the bishop and clergy; a second for the poor; and a third for the support of the fabric of the Church.

[2] He forbade, for example, the introduction of new angels into the liturgy, and gave the clergy to understand that they must be content with Michael, Gabriel, and Raphael. He declared, in opposition to the second Nicene council of 787, that to possess images and to worship them are two different things; that worship belongs only to God, but to images merely a reverence suited to the time.

Imperial confirmation of popes.

Papal oath of allegiance.

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[1] It has been frequently denied by later popes that any such promise was given, but we possess the formula of the oath, taken by the Romans. 'Promitto, *etc.* . . . . . et quod non consentiam, ut aliter in hac sede Romanâ fiat electio pontificis, nisi canonice et juste, secundum vires et intellectum meum; et ille qui electus fuerit, me consentiente, consecratus pontifex non fiat, priusquam tale sacramentum faciat, in præsentiâ missi domni imperatoris et populi, cum juramento, quale domnus Eugenius papa sponte pro conservatione omnium factum habet per scriptum.'

while the popes could not be consecrated by the kings.[1] But the conflict, which was first provoked by the dualism of Empire and Papacy, did not result, at that early period, in an open outbreak of hostility, because the various nationalities, which were held together by the centralisation of the two great powers, acted as a double counterpoise to each.

Growing power of the bishops.

The efforts of the bishops to make themselves more independent of Rome corresponded to the centrifugal efforts of the temporal nobility against imperialism. The bishops, in the quarrels of the emperors with the popes, openly sided against the papacy, though, certainly, only to restrain an authority which was irksome to themselves. Since, on the other hand, they had nothing now to fear from the feeble Carlovingians, they usurped to themselves the power which they contested with the popes; and in process of time, by the growing emancipation of their authority, formed themselves into a spiritual aristocracy.

Their ecclesiastical jurisdiction and immunities.

Especially important in its consequences was the extension of the judicial prerogatives of the clergy. The Church had enjoyed, indeed, in earlier times, not merely a spiritual jurisdiction in general, and one equally supreme upon her fiefs as that of all other landed proprietors, but also a variety of special privileges. Nevertheless, the secular power invariably imposed certain limits on her authority. She could dictate no rules of conduct to the State; her canonical decrees were not in themselves public law, except so far as they were made so by imperial legislation.[2] This last restriction, however, was modified under the later Carlovingians, and the contest turned on the immunity already mentioned, of the bishops from secular jurisdiction, a privilege which was now extended to the whole body of the clergy. The Germanic State treated every subject according to the law of his race, which for the clergy was the Roman law; but while, for punishable offences, the latter were now transferred to purely ecclesiastical tribunals, which gave judgment according to the canons, they became exempted at the same time, from their former own special law. And as the proceedings, so also the punishment was ecclesiastical. The confiscation of property which took place on the deposition of a clerk was the consequence not of a secular but of a spiritual judgment.[1] But after the State, in this province of jurisdiction, had once surrendered the principle that an autonomous society should not be allowed to violate civil independence, the Church soon pushed the consequences of this step, at the decline of the Carlovingian power. She denied to the civil power, not only in mixed, but in purely civil causes, the right of regulating, by an appeal to secular legislation, her relations with the State. She maintained that the clergy generally were not bound to vindicate themselves before the secular tribunals, and that consequently the canon law, as the special law of the clergy, was alone obligatory upon them.

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[1] Provincial Synod of Rheims, A.D. 881.

[2] Cf. Sohm 'Die geistliche Gerichtsbarkeit im fränkischen Reiche.' Zeitschrift f. Kirchenrecht v. Dove u. Friedberg. Vol. IX. p. 193.

Sources of canon law.

At this time, moreover, originated the greatest ecclesiastical fraud of which history knows, the fabrication of the pseudo-decretals of Isidore. The compilation of Dionysius Exiguus in the sixth century had hitherto been consulted as the principal source of canon law, and a copy of it was presented to Charlemagne by Pope Adrian I. in 774. This collection was propagated through the Frankish kingdom, where, at the beginning of the ninth century, it seems to have been formally received as the *Codex Canonum.* Another collection originated in Spain, which was falsely, but generally, ascribed to St. Isidore of Seville, and is to be regarded as the depository of the special rights of the Spanish Church. This code now made its appearance in France—about A.D. 845—in a very peculiar form; being interlarded with a series of fictitious documents, decretals, and rescripts or decrees of the early bishops of Rome, resolutions of councils, imperial constitutions, and miscellaneous treatises. Composed in this patchwork fashion, and of the most heterogeneous materials, it was nevertheless cast in one mould, and was obviously suggested by the design to establish, as traditions of the ancient Church, the absolute independence of the hierarchy and its entire emancipation from all lay influence. The forgery, it is true, did not proceed from Rome. It originated in the diocese of Rheims, and its real object was to secure the position of the suffragans against their metropolitans and the secular power. But this object could only be attained by the advancement and extension of the papal jurisdiction, since it was only by establishing a final appeal to the pope, in episcopal cases, from even ecclesiastical tribunals, that the emancipation of the bishops from their metropolitans and the State was to be effected; and on this account the Curia likewise hailed the imposture with delight. Leo IV., in an epistle, in 850, to the bishops of Brittany had acknowledged the Adrian Codex as the sole fountain of ecclesiastical law.[1] Nicholas I. met the doubts concerning the genuineness of the pseudo-Isidore, with

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[1] It is true that the claim of the clergy to exemption from temporal jurisdiction in criminal cases presented a different aspect then from what it would offer at present, when we reflect on the horrible punishments which the secular judges inflicted often for the most trivial offences, while in the bishop's court imprisonment and stripes were the severest penalties. Moreover, this privilege did not remain confined to the ecclesiastical order, but soon embraced a large number of persons who were least able to defend themselves.

Pseudo-Isidorian decretals.

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[1] Mansi, Baron. XIV. p. 443.

the assurance, conveyed in a letter to Hincmar, archbishop of Rheims (6 December, 866), that the Roman see had for a long time possessed all those decretals among her archives.[1] He therefore encountered the opposition which the forgery had provoked, with an open falsehood, because that course was the most convenient to the Roman see; and accordingly all his papal successors up to Pius VII. in 1789, have relied on the same source of authority, which they could not possibly have known to be anything but spurious and corrupt.[2]

Collection of Benedict Levita.

A long time elapsed, it is true, before the seed thus sown bore its full fruit, but the hierarchical idea had found its legal formulary in those false decretals. Almost contemporary therewith, appeared the collection of Benedict Levita at Mentz (840–47), which contained pretended Carlovingian capitularies, but only an insignificant portion of which was obtained from genuine Frankish laws. It was a compilation, like that of the pseudo-Isidore, containing a mixture of genuine and spurious documents, by which the author wished to vindicate the independence of the episcopal order. The doubts concerning the genuineness of the decretals became less and less discussed inside the Church, while outside of her the profound historical ignorance during the middle ages disturbed itself very little with questions of that kind.

It is needless here to follow the confusion of those anarchical times, when the popes, exalted to, as they were degraded from, the throne by violence and crime, were the mere creatures of notorious courtezans and of turbülent factions of the nobility, who strove to convert the papacy into their temporal and hereditary principality, while the imperial crown was transferred from the Lotharingian to the Burgundian portion of the former empire. This period exhibits the contemporary prostration of the empire by feudal rule, and of the papacy by episcopal power. The bishops usurped the entire control over ecclesiastical life. They decided in their synods all matters of dispute without asking the consent of the Roman Chancery, and even rejected its protests, on the ground that the priesthood could not submit themselves to a man of vicious character. The tenth century is the noonday of episcopal independence. While the papacy was exhausting all its strength in maintaining its temporal independence amid the feudal anarchy of Italy, and in preventing the formation of a united state, the archbishops of Milan and Ravenna were rather rivals than subjects of the popes, and in politics frequently played a more important part. Henry I., the first German king, who, after long disorders, restored a regular government, was too much engrossed in his secular affairs to go to Rome and interfere in the domestic struggles in Italy. But the power of the German empire, thus restored by him, offered to his son the means of reviving the ascendency of its rule, and uniting it durably under his crown. The anarchy which distracted Italy and oppressed the Roman see, induced Pope John XII. to offer to Otho the Great the imperial title and dignity, on condition that he would protect him against his enemies; and Otho, who had assured Christian civilisation against the Slavonians and Magyars, and had once before established order in Italy, repassed the Alps, and was crowned Roman emperor in 962. So far he followed the precedent of Charlemagne; but in this revival of the empire of Rome in the German nation there was an essential difference from the act of his predecessor. Charlemagne, equally a German king, did not

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[1] Only three years before, in his first letter to Hincmar, he knew of no older collection than that of Dionysius.

[2] This fraud, as Maassen has proved, was first perpetrated, in a sweeping manner, by Nicholas I., the successor of Adrian II., in an Allocution in 869. *Berichte der K. Oesterr. Acad.* Vol. LXXII. 521, *sqq.*

Climax of episcopal powers in tenth century.

Otho the Great crowned emperor of Rome.

receive his coronation on that account alone, but as the sole Christian king on the Continent. This qualification Otho no longer possessed; by his side were the Christian sovereigns of France and Burgundy; and it was, therefore, something entirely new, when he united the title of Augustus with that of German king, in such a manner, that the latter, by his election, enjoyed a corresponding simultaneous right to the imperial crown. Although no longer the only, he was undoubtedly the most mighty potentate of the West, who had preserved Christian civilisation from the invasions of the Hungarians, and who alone could afford protection against anarchy and heathenism. But, like Charlemagne, he also asserted with vigour his imperial rights against the Curia. When John XII. revolted against him, he hastily returned to Rome, and deposed him, exacting at the same time an oath from the Romans that they would elect no pope without his imperial consent,[1] a condition which was sanctioned by the Lateran synod convoked by him in 964.[2] Otho's relations to the Church were less active than those of Charlemagne. He conducted himself, certainly, as defender of the true faith, and in the train of his victorious army, the Gospel was preached to the Slavonians, but his wars were not undertaken with the object of conversion. He neither convoked any councils like Charlemagne, nor mixed in theological disputes; and with his consecration by the Church he connected only the idea of a right to universal rule and supremacy over Rome and the pope. But if his two immediate successors were equally tenacious of this right, they lost more and more, in their ambition for an universal supremacy of empire,

Compared with Charlemagne.

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[1] Cives firmiter jurantes, nunquam se papam electuros præter consensum et electionem imperatoris Ottonis Cæsaris Augusti filiique ipsius regis Ottonis. Liutpr. de reb. gest. Ott. c. viii. Pertz, iii. 342.

[2] Lorenz, p. 69, *sqq*.

that national power and vigour of the German kingdom which was the sole material basis of the imperial throne. It was but of little avail to the emperor that he occupied, undisputed, the first position among all princes, that he was esteemed the supreme magistrate, and that from the splendour of his throne, in the words of a mediæval writer, emanated all other dignities, like rays of light from the sun,[1] if, with all that, he was not master in his own dominions, but gradually had to submit to the independence of his hereditary dukedoms, and the loss, to Denmark and Poland, of large provinces scarcely yet acquired.

Roman imperialism and German royalty.

In the union of the German king and Roman emperor in the same person, a momentous contradiction was involved. The Empire, according to the exalted idea of imperialism, should unite the supreme power of Christendom in the hands of an irresponsible monarch. The German kingdom, on the contrary, which should wield the sword for this idea, became more and more weakened by a powerful aristocracy. The absence, and consequent estrangement, of the kings from their home, through the perpetual contests in Italy, in which they exhausted their strength, gave to the grandees of the kingdom the opportunity to extend their power, and to exalt themselves into territorial potentates, who, extremely independent in themselves, exercised an increasing influence over the affairs of the nation. The emperors wished to govern as emperors, because imperialism in their eyes was superior to royalty; but *de facto* they governed as emperors, because the empire was felt to be a political power of a far less practical character than the kingdom. The Roman emperor was paramount lord of the Christian world; why should he enjoy more rights in Germany and

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[1] 'And no nobility or dignity,' he continues, 'is considered of any value, which does not originate from the Holy Roman empire, as from the fountain of all that is noble.'

Italy than in France or Denmark? The larger the empire was in theory, the weaker it became in fact; and nothing contributed more than the idea of imperialism to prevent the German kingship from becoming hereditary. From Otho I., the election to the royal throne of Germany was valued merely as the step to the imperial dignity of Rome, until at length even the name of German was lost, and the chosen candidate received the title of King of the Romans. In this manner the national and real power of German royalty was crushed under the cosmopolitan incubus of imperialism. But although we cannot disguise from ourselves the fact that through this policy the unity of Germany, which under Henry I. had made much farther progress than that of the neighbouring states, was destroyed for centuries; although we are willing to award to the valiant Saxon the glory of practical statesmanship,[1] still we must not overlook what a consciousness of might and power the empire, in its days of prosperity, gave to the German people; what rich germs of development were brought to them by those very struggles, and by the manifold alliances to which they led. Apart, moreover, from this, it would be wrong to regard Otho and all the emperors who pursued this idea of imperialism, as fantastic visionaries who hunt after a chimera. No such fiction as that would have been able to rule the mind of centuries.[2] During the middle ages the sentiments of feudalism predominated: the distinctions of nationality were scarcely formed. No one felt it a wound to the national pride of France, that the king of England possessed large provinces in that country. No one disputed in principle the right of the Roman emperor to the iron crown of Lombardy. A general Italian patriotism was then unknown; the contest was simply about the extent of imperial rights; the struggle of the towns and princes against the emperor was no national one, but was directed to the conquest of municipal and territorial independence. And precisely because the national sentiment was, even at that time, feeble and inchoate, that of imperialism was powerful and far-reaching. As the Middle Ages could only contemplate the Church as the visible, united Church of Rome, in like manner they were unable to comprehend a brotherhood of men, in temporal affairs, without the external bond of a universal empire.[1] As the pope, commissioned by God, governs the souls of mankind, so the emperor is His vicegerent upon earth; and because both are only servants of one Master, the unity of Church and State involves the infallibility of this united power. It is therefore quite as incumbent on the temporal authorities to suppress heresy and opposition to the doctrine of the Church as to punish civil rebellion. It would be easy, from the modern point of view, to prove the groundlessness of this theory of the two swords, placed by God upon earth to protect Christianity; but to the mediæval mind, it was as indisputable a truth as the title of all independent states to equal rights and liberty of conscience is to us. The supremacy of the emperor was so generally recognised[2]

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[1] Henry, moreover, by no means abandoned the idea of the imperial title, as appears from the statement of Widukind, i. 40, Perdomitis itaque cunctis circumquaquam gentibus, postremo Romam proficisci statuit. sed infirmitate correptus iter intermisit.

[2] Even Maximilian I., for example, in his Edict 'in Blasphemos,' simply refers to Justinian as his predecessor—'Quoniam Dei preceptum et dicti prædecessoris nostri Justiniani,' etc.

Mediæval theory of empire and papacy.

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[1] Una est sola respublica totius populi Christiani, ergo de necessitate erit et unus solus princeps et rex illius reipublicæ, statutus et stabilitus ad ipsius fidei et populi Christiani dilatationem et defensionem. In this sentence (Engelbert, abbot of Admont, in Upper Austria, *circa* 1331, *de ortu, progressu, et fine Romani imperii*) is summed up the theory of the Middle Ages.

[2] Of Richard Cœur de Lion, for example, it is said: 'Ricardus, rex Angliæ, in captione Henrici imperatoris detentus, ut captionem illam

that even the decline of his power did not injure his authority. Even in later times, the most zealous champions of the independence of single states insisted merely on an exemption from the central sovereignty of imperialism, in order to secure for their rulers an equality of power within fixed territorial limits.

Zenith of imperialism under Henry III.

Naturally, however, this theory of the unity and infallibility of the two powers was realised only in a few extreme and exceptionally brilliant instances in history, either where powerful personages, like Charlemagne and Otho the Great, possessed the temporal means and power to guard their rights of imperial supremacy, together with the defence of the Papal primate, or where the emperors surrendered themselves to the idea of Roman imperialism, like Otho III., who aspired to make Rome once more the centre of temporal domination. The reign of Henry III. forms the last brilliant episode of this undisputed supremacy of the emperor. While promoting the advancement of his kingdom, both internally and externally, to a height of prosperity scarcely known before, he obtained the power of interfering in ecclesiastical affairs in a far more decisive manner than even Otho I. The papal see, after the death of Otho III., had become once more the plaything of the Roman partisans among the nobility. The popes, raised and deposed by their will, sold the offices in the Church to the highest bidder, and very frequently to laymen, and abandoned themselves, without shame or scruple, to every conceivable vice.[1] Out of the depth of their immorality the Church of Rome could only be saved

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evaderet, consilio Alienor matris suæ, deposuit se de regno Angliæ et tradidit illud Imperatori, sicut universorum domino.' *Roger de Hoveden.* Annal. ed. 1870, iii. 202.

[1] Bonizo Sutr. Ep. lib. ad Amicum. 'Tusculani per patriciatus inania nomina Romanam vastabant ecclesiam, ita ut quodam hereditario iure viderentur sibi possidere Pontificatum.—Vero ipso lupo facto custode, quis staret pro ovibus?'

by a strong arm from without. Henry III. crossed the Alps in 1046, convoked a Synod at Sutri, which deposed the three contending popes, and on the ground that no Roman ecclesiastic could be found who was not disqualified either as illiterate, or tainted with simony, or living in concubinage, nominated the bishop of Bamberg as Pope Clement II.[1] The Romans had to renew the oath never to proceed to an election without the consent of the emperor; and such was their fear of his heavy hand, that three times in nine years, at the vacancy of the papal see, their envoys came to him with the request to appoint a new pontiff to the chair; and three German prelates, those of Brixen, Toul, and Eichstädt, filled it in succession. But Henry was not content with terminating the disgraceful struggle for the central power. He sought generally to purify the Church, by endeavouring to re-establish a settled order of the hierarchy and of Church discipline, and by publishing severe prohibitions against all simoniacal practices, thus renouncing a considerable source of private revenue, since almost invariably the occupation of an episcopal see was made conditional on the payment of a goodly sum. Numerous decrees of council to the same effect were issued by him and by the popes devoted to his cause. Even the marriage of the clergy was condemned in 1049,[2] and under his protection the Roman legates travelled through all countries to superintend the execution of these decrees. Once more the dominion of the universal empire appeared to be established. Never since Charlemagne had its holder exercised such power in the empire and the Church. But a position so lofty required a man like Henry to fill it. When an early death removed him, and the crown passed to an infant of four years of age, this ascent to the pinnacle of imperial power was followed by a downfall so much the more sudden and precipitous.

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[1] Ann. Wirtburg. ad 1046. 'Henricus Papas tres non dignos constitutos synodaliter deposuit et Suiggerum Papam constituit.' Pertz, ii. 244. The Roman party, who regarded the plea of unworthiness as a mere pretext, urged the prior claims of their clergy to the appointment;—'neminem ad Romanum debere ascendere pontificatum, qui in eâdem ecclesiâ presbyter vel diaconus non fuerit ordinatus.'

[2] 'Sub anathemate interdictum est. . . . ut sacerdotes et Levitæ et subdiaconi cum uxoribus non coeant, quae res magnum veternosum serpentem concitavit in iram. Quod audientes episcopi primo quidem, veritati non valentes resistere, tacuere; postea vero, suadente humani generis inimico, inobedienter celavere.' Bonizo ap Œfilium, p. 803. The gross immorality of the clergy led Damiani to extend his strictures

against the concubinage to the marriage of priests. Under the Carlovingians, the celibacy of the clergy appears to have been a matter of propriety rather than of law. 'Castimoniam inviolati corporis perpetus conservare studeant (clerici), aut certe unius matrimonii vinculo fœderentur.' Capit. lib. vii., c. 452.

CHAPTER IX.

TRIUMPH AND MERIDIAN OF THE PAPACY.

Territorial Independence of the Bishops—Intellectual Power of the Clergy—Ecclesiastical Election of Popes—Pope Nicholas II.—Alexander II.—Gregory VII.—Celibacy of the Clergy—Prohibition of Lay Investiture—Quarrel between Gregory and Henry IV.—Concordat of Worms—Papacy supported by the Crusades—And Monastic Orders—Corruptions of Canonists—Encroachments of Ecclesiastical Jurisdiction—The Church as an Universal Monarchy—Frederick I.—Innocent III.—His Foreign Aggression—Persecution of Heresy—The Waldenses—The Albigenses—Origin of the Inquisition—Mendicant Orders—Fourth Lateran Council, 1215—Frederick II.—Final Struggle of the Empire—Episcopal Election—Boniface VIII.—Retrospect of the Papal System.

The degradation and weakness of the papacy during a period of nearly two centuries in no way coincided with a decay of the power of the Church itself, which rather was strengthened and extended during that interval. Not only did she continue to acquire from the heathen, in the east and north, new territorial possessions, but her importance increased in a twofold manner within the kingdoms already Christianised. The episcopal power, now virtually emancipated from the supremacy of the papal see, acquired in temporal matters also a constantly increasing independence. The very development of political relations contributed to hasten this process. The estates belonging to the different churches lay scattered among other fiefs, which were subject to the jurisdiction of the provincial governors. Hence resulted perpetual collisions, which became all the more serious, as those officers of the crown gradually usurped the position of

Territorial independence of the bishops.

hereditary territorial potentates. In order to escape from their oppression, the bishops endeavoured, and with success, to fence off their estates by means of royal privileges, and to obtain the jurisdiction over all their tenants. Whole counties in some cases were bestowed on them as fiefs by the kings of Germany, who found it useful to balance in this way the overgrown power of the nobles.[1] To this administration of law and police were added the rights of market tolls, customs, excise, and coinage, privileges which were the more important because the episcopal sees were usually in the larger towns, the centres of commerce at that time. The bishop, therefore, became the virtual lord of the town; he exercised absolute sway over his own vassals as well as over the handicraftsmen who were his feudatories; and the burghers possessing land or engaged in industry were subject to his jurisdiction. All these rights, it is true, were simply usufructuary, and granted by the king to the occupier, for the time being, of the bishopric for his lifetime; but as they were invariably renewed, the episcopal power itself acquired an independence which placed it on a level with that of the temporal magnates. Not merely on secular territory, however, did the Church embrace many spheres of life which as yet were incapable of independent development: she united in her bosom those elements of spiritual culture which were destined to occupy in the future each a distinct and prominent position. Her schools were the sole avenues to knowledge; her members alone were versed in literature and science, and on that account were the advisers of kings and nobles, the historians of their time. The general use of the Latin language propagated to the most remote districts every work of importance. The equality of education among the clergy

Intellectual power of the clergy.

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[1] Thus Otho I. invested his brother Bruno, Archbishop of Cologne, with the dukedom of Lorraine.

allowed them to move in a common intellectual atmosphere; and yet, owing to their connection with all classes of the laity, they were in no way excluded from the movements of the age or of the nation. On the contrary, these influences are vividly reflected in the works of ecclesiastical writers, although coloured, as was natural, by individual views.

The groundwork, on the one hand, of temporal power, and, on the other, the internal unification of the Church, at a time when all other public institutions were still in process of formation, offered, therefore, a definite organisation, which was the most powerful element in social life, and which, during the weakness of the papacy, only wanted its monarchical head. And it was precisely the imperial power which prepared the way for the establishment of such a head. The work of purifying and strengthening the Church, by which Henry III. had raised her from her degradation, was destined to turn against his successor. The inwardly invigorated Church of Rome, feeling herself once more mistress in her house, and having restored, in a measure, episcopal obedience by means of the apostolic legate and vicars, so zealously protected by Henry, esteemed it a disgrace to receive her primate from the hand of the emperor. The party, at whose head was the archdeacon Hildebrand, was resolved to shake off altogether the supremacy of the temporal power, and convert the Church into an independent hierarchy. So long as the strong arm of the emperor ruled, and his disinterested zeal laboured for the restoration of ecclesiastical discipline, it would have been unwise and unpractical to dispute his rights; and even after his death it was not deemed advisable openly to break with the empire, since Rome needed its protection against the Normans. The Roman party, accordingly, began by adopting the tactics of delay, and a whole year was suffered to elapse before

Ecclesiastical election of popes.

the inauguration of Victor II. By thus delaying the succession to the papal chair hitherto conferred by the act of election, and reasserting the canonical right of initiative, it was sought to confuse and embarrass the legal relation of the electors, and pave the way for the later exclusion of the emperor. When the sudden death of Victor, twelve months after that of Henry III., led to the election of Stephen IX. (Frederick of Lorraine) without the usual preliminaries, the omission of the Romans to wait for the imperial nomination was excused by the pressure of circumstances, and subsequently the consent of the empress-regent was obtained. But her weakness emboldened the next pope, Nicholas II., under the guidance of Hildebrand, now raised to a cardinal, to reduce the imperial nomination once more by the decree *In nomine Domini* (13th April, 1059), to a vague and barren right of approbation. The actual election of the Pope was vested solely in the superior clergy. The cardinal bishops enjoyed the right of initiative: their choice required the assent first of the cardinal priests and deacons, then of the laity, and finally of the Emperor.[1] An equivocal form of words was purposely employed in order that eventually the pontiff might be able to invoke the assistance of the emperor, in case the Roman nobles should be tempted to fresh encroachments on the freedom of election. With a view, however, to break their power for the future, Nicholas entered into an alliance with the Norman duke, Robert Guiscard, by which the latter was invested in the dukedoms of Apulia and Calabria, which he had conquered, and of Sicily, which he was to recover from the Saracens. Robert, on his part, besides promising

Pope Nicholas II., 1059.

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[1] 'Cardinales Episcopi, cum religiosis clericis, Catholicisque laicis, *licet paucis*, jus potestatis obtineant eligere Apostolicæ sedis pontificem, ubi cum rege congruentius judicaverunt.' Pertz. Leges ii. App. p. 177. See also Murat. ii. part 2, p. 645.

an annual tribute, undertook the protection of the Roman see,[1] and proceeded accordingly to demolish the castles of the nobles at Rome. Secure on this side, Alexander II., the successor of Nicholas, on the refusal of the empress-regent to confirm his election, received consecration without it. His rival, Honorius II., the imperial nominee, failed, after a long struggle, to establish his claim, and ultimately the Council of Mantua, convoked in 1067 at the instigation of Hanno of Cologne, declared Alexander II. the legitimate head of the Church. Thus the path was smoothed for the hierarchical idea of the election of popes ecclesiastics alone; an object for which Hildebrand had laboured unremittingly.[2] It is true that a long contest between the different ecclesiastical orders was yet to ensue; it was not until 1189, a century later, that the co-operation of the inferior clergy was dispensed with, and the right of election limited by Alexander III. to the cardinals;[3] and throughout that period the people of Rome repeatedly asserted their influence. But the practical intervention of the emperor was abolished, and although Hildebrand, on his own elevation to the papacy in 1073 as Gregory VII., applied to Henry IV. for his assent, he merely did so to fulfil a promise he had sworn to Henry III.,

Gregory VII., 1073.

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[1] His two oaths are given in Baron. ad ann. 1059.

[2] 'Firmissime tene,' he writes in 1064, 'et nullatenus dubites, quod in electione Romanorum pontificum juxta S. Petri canonicas sanctiones regibus prorsus nihil est concessum et permissum.'

[3] Originally the ecclesiastic appointed to a principal church was called *cardinalis incardinatus*; there were therefore some in other towns besides Rome. The Roman cardinals were the priests of the principal Roman churches, and took part with the other clergy in the election of the pontiff. Together with the deacons entrusted with the care of the poor and sick (*diaconi regionarii*), in the seven ecclesiastical districts of the town, and the bishops of the neighbouring churches, who were admitted as coadjutors, after the ninth century, they formed the *Presbyterium*, or Permanent Senate of the pope. Pius V. first limited the title of Cardinal, in 1567, to those of Rome.

never to accept the papal dignity without the imperial sanction. On the other hand, this conduct, on his part, was an act of political sagacity. In the first place he knew very well that Henry could not refuse his sanction, and it enabled him later on to appeal to the fact that Henry had recognised him as the legitimate pontiff. But Gregory's keen vision discerned clearly enough that the permanent emancipation of the Holy See from the temporal power could only be achieved by a recognition of her spiritual supremacy, and of the rightfulness of this supremacy he was firmly convinced. Thus he writes to the bishop Hermann of Metz:[1] 'When Christ said to Peter, "Feed my sheep," did he make an exception for kings? The bishop is as superior to the king as gold is to lead. Constantine knew that well when he took the lowest place among the bishops.' He even maintained that the power of princes came originally from the devil, and must first be purged from sin by that of the priesthood, a theory which, we are fain to admit, was quite conceivable in the face of the coarseness and demoralisation of the temporal magnates of that age. He now fixed his eye upon two means to accomplish his object—the enforcement of celibacy and the prohibition of investiture by laymen.

Celibacy of the clergy.

The Catholic Church has at different times derived great advantage from the principle, that all ecclesiastics within her pale are equally qualified for all dignities. The recognition of this democratic principle has not only contributed powerfully to her own nationality, but has been employed by her to assert her unity against aristocratically organised national churches, while supporting herself upon the lower clergy, and especially upon the monks, against the oligarchy of the prelates. Those very legates, who with the assistance of the emperor were formed into a permanent institution to reclaim the bishops to the discipline of Rome, were chiefly chosen from the monastic orders. As such, Hildebrand himself, the son of a carpenter, had travelled through Christendom; and they became his most efficient instruments in the struggle which he commenced, to conform the whole body of the clergy so far to monasticism, by severing them from the tender ties of domestic life, as to bring them into sole dependence on the Church. His view was that the Church could not be freed from the bondage of the laity unless the clergy were delivered from the fetters of matrimony. For centuries the Church had laboured at the celibacy of the ecclesiastical orders, but all resolutions of synods and laws regarding the lower clergy were rendered nugatory by the prevalence of the practice. Gregory's energy first succeeded in overcoming this opposition, because he understood so to mould the moral conscience of the clergy in this matter that celibacy came to be regarded as a duty, not only enforced by command, but resting on conviction. This triumph, naturally, was only achieved at the cost of a severe struggle, the more severe in proportion to the purity of family life; and the decrees of German synods at Erfurth and Mentz denounced the command as an intolerable and unreasonable burden.[1] But Gregory carried his scheme: a bull of 1074 pronounced excommunication against every layman who should receive the sacrament from the hand of a married priest; and the rabble, urged on by the monks, drove away those priests who refused to be torn from their wives and children.

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[1] C. 9, Diss. xcvi.

Prohibition of lay investiture.

Gregory's prohibition of lay investiture produced a far more obstinate series of contests. In order to estimate correctly the significance of the struggle thus originated, it is necessary to figure to ourselves the development which the property of the Church had assumed.[1] The Franks, at the conquest of the bishoprics and monasteries, found a multitude of persons of adequate legal knowledge, and capable of administrating property according to Roman law. The bishops were chosen by the people and clergy, the abbots by the monks. This, however, in no way hindered the Frankish kings from intermeddling, in both cases, with the rapidly accumulating property of the Church. Her estates, as we have seen, were absorbed by them, and her bishoprics filled with their nominees; the latter practice became a rule under Charlemagne. Against this disposal of ecclesiastical offices by laymen the Church was bound to contend, and she consistently directed her efforts to the election of bishops by the cathedral chapter,[2] consisting of the members of the episcopal presbytery, and of the remaining clergy entered in the matricula of the cathedral. She failed, however, even at that period, to establish this claim; for the more her secular possessions increased—so that, in fact, the dignitaries of the Church became territorial suzerains during life—the more strenuously was her claim opposed, to vest their election in a definite ecclesiastical corporation. Their vassals as well as their dependents, and the burgesses who were steadily asserting their freedom, maintained, therefore, a share in the elections, and frequently compelled bishops, chosen by the chapters without their consent, to resign. But, besides this, there still remained the right of the landlords to grant to the bishop elected or nominated the personal usufruct for his life. This grant was conferred according to feudal law, by investiture, the right of actual possession and enjoyment being conveyed to the head of the endowment by means of some object symbolising the property of the Church. The investiture could be granted by any proprietor of lands, and numerous abbeys at that time belonged to temporal magnates. But for the most important abbacies, and for almost all bishoprics,[1] the king himself conferred the investiture; and in these cases the ring and staff, or crosier, had become the customary tokens of conveyance—the former representing the marriage of the celibate bishop with his Church, the latter the rights of the pastor over his flock. These tokens signified, not that the king conferred the episcopal office itself, as Charles Martel and Charlemagne had done, but that he granted during life to the person so invested the material basis of his dignity, the estates and royalties attached to the endowment. It was because ecclesiastical office excluded the power of inheritance, and the investiture conferred the right of usufruct only for life, that the German kings thought it safe to endow the bishoprics so richly with land and seignorial rights. By so doing they merely transferred the property of the empire into the hands of the bishops for administration, and endeavoured thus to counterbalance once more the independence of the temporal princes by placing in the highest positions persons dependent on the favour of the Crown, and on whose submissiveness they were able to rely. Moreover, at a time when the secular orders of the State were only too prone to refuse their service, and the revenues of their own household were insufficient for their political purposes, the sovereigns derived a most substantial support from the important services which these imperial Churches were bound to render. In the first place, on a bishopric

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[1] An assembly at Paris declared likewise against the edict. See Mansi Suppl. Concil. ii. p. 5. The disturbances created in England are described by William of Paris Hist. Major i. p. 7.

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[1] Compare the instructive treatise of Ficker, 'Uber das Eigenthum des Reichs am Reichskirchengute,' (Berichte der Kaiserl., Akademie der Wissenschaften), Vol. LXXII. p. 55, 379.

[2] The attempt of Louis the Pious to re-establish the old right of election (Cap. Aquisgr., A.D. 817, c. 2. Pertz. III. p. 206) remained barren of success.

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[1] In Burgundy some bishoprics, and in France a considerable number, were in the hands of temporal magnates. *Ficker*, 91.

The *Regale.*

falling vacant, the king drew its revenues until its re-occupation. This right (*regale*) was a consequence of the general principle of feudalism, but its establishment was due to the need of an effective protection for the Church at a time when her property had no regular administrators. To this was added the right of taking the personality, extant at the death of the last tenant (*jus spolii*); for since, according to canonical principles, a priest could not make a testamentary disposition of his property, all the revenues which he acquired from the estates of the Church were considered as appertaining to the usufruct granted to him for life. The king, as lord paramount, claimed for himself all movables which were found at the death of the last tenant. To this extraordinary source of income were added the fee which was paid at investiture, and the numerous mortgages on Church property. But even after the invested person was in possession, his feudal superior in no wise renounced all enjoyment of the benefice. The occupier had to pay an annual tribute in money or natural products (*servitium*), and to furnish men for a notified campaign, who had to maintain themselves until their assembling under the king's banner, and for whose equipment the trades had to provide a fixed amount; while, in the event of this compulsory military service not being performed, the bishop had to redeem it by a heavy fine. If the king came on an appointed day to hold a royal court in the town of the bishopric, all jurisdiction, toll, and rights of coinage were administered, for the time being, to his profit. If we take into consideration the enormous extent of the Church property of the empire, it will easily be understood how it came to be expressly declared that the vast services which their possession entailed were indispensable to the existence of the empire.

In the meantime the whole of these relations were fraught with difficulties. In the first place, the bishops, by virtue of their appointed offices, were dignitaries of the Church, and as such could never be wholly withdrawn from their dependence on the supreme spiritual power. On the other side, it was evident that the kings, in their selection of candidates, looked principally to their personal devotion and their capacity to administer ably the property of the Church. The temptation was thus especially strong, whether from the want of money or from other worldly motives, to grant the investiture to that candidate who showed himself peculiarly grateful to his royal patron; so that, in fact, the fee paid at the investiture became a purchase price, and the bishopric repeatedly fell to the highest bidder, without regard to his ecclesiastical merits. It is true that the complaints of the hierarchical party were certainly exaggerated. The term Simony was never well defined, and was used in a very elastic manner, not only of those who had actually bought their spiritual offices, but also of those who had paid the fees, of considerable amount, which were a customary part of the whole feudal system, and not the least at the Court of Rome. At a Synod at Mentz in 1071 an episcopal nomination of Henry IV. was impugned by the Papal legates as simoniacal. The Emperor solemnly declared that he had derived no personal benefit from the transaction, but did not deny that fees might have been paid to his exchequer 'propter opem intercessionis.' But even taking into account this circumstance, it is undeniable that the abuse was frequent and notorious; and Gregory applied the lever of his authority to remove it, because, as he said, experience showed that so long as lay investiture continued, simony was ineradicable. Accordingly, at a Council held at Rome in 1075 he abolished altogether by one decree the right of investiture by the laity.[1]

Edict of Gregory, A.D. 1075.

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[1] Si quis deinceps Episcopatum vel Abbatiam de manu alicujus laicæ personæ susceperit, nullatenus inter Episcopos vel Abbates habeatur, nec

There would have been nothing to say against this edict had he confined himself to temporal reasons against those abuses which had become so common at investitures, for although the kings did not themselves determine the actual disposal of the spiritual functions, nevertheless, since the investiture with the Church property was a necessary condition of episcopal office, the appointment virtually rested with the crown. The ecclesiastical authority could, indeed, in case of simony, refuse consecration, but this was a tolerably illusory right; for if the king refused to invest any other nominee than his own, either the chapter had to yield or the see remain vacant, in which case all revenues accrued to the temporal power. Had Gregory merely contemplated the restriction of these elections to the clergy, he would have been obliged, from motives of consistency, to resign for the Church—as, indeed, one of his successors was ready to do—her vast territorial acquisitions. But Gregory was far from adopting such a course. The bishoprics and monasteries were to remain in possession of their property and their seignorial rights. The investiture should devolve upon the archbishops, and these in turn were to be dependent on the Holy See, for which he claimed, on the authority of the false decretals of Isidore, the disposal of all the secular possessions of the Church. His demand, therefore, in no wise corresponded with the earlier opposition of the Church to the nomination of bishops by laymen. His aim was to dissolve

ulla ei ut Episcopo aut Abbati audientia concedatur. Insuper ei gratiam beati. Petri, et introitum ecclesiæ interdicimus, quoad usque locum, quem sub crimine tam ambitionis quam inobedientiæ, quod est scelus idololatriæ, deseruerit. Similiter etiam de inferioribus ecclesiasticis dignitatibus constituimus. Item si quis Imperatorum, Ducum, Marchionum, Comitum, vel quilibet sæcularium potestatum, aut personarum, investituram Episcopatûs vel alicujus ecclesiasticæ dignitatis dare præsumpserit, ejusdem sententiæ vinculo se adstrictum sciat. Synod of February 20, 1075. Labbe. Concil., p. 342.

the feudal relations existing between the sovereign and the superior spiritual dignitaries by virtue of their temporal possessions, and to make the pope himself the liege lord of all the churches of the empire.[1]

Struggle between Henry and the Pope.

Such a scheme, if successful, would have created, by the side of the princes, now gradually becoming more independent, a multitude of ecclesiastical landlords, wholly released from obligations to the king, and subject to the pope alone. This bold pretension to found a hierarchy of that kind within the State led, as was inevitable, to a death-struggle with the monarchy. Henry IV. accepted the challenge in the name of all the temporal powers; but his mode of action was hasty and impolitic. After behaving with extreme submissiveness to the Court of Rome, so long as he had to wrestle with the revolt of the Saxons, he veered round, after the conquest of the insurgents and the decree of Gregory against lay investiture, and abruptly shifted his policy. Irritated by a letter from Gregory, citing him to appear at Rome to answer for his offences, the king convoked in haste a Synod at Worms. The German prelates were far from favouring the papal pretensions. The emperor, if they opposed him, could retaliate by withholding the *regale*; they preferred, therefore, to be dependent on him to whom they owed their estates. The abolition of lay investiture, on the other hand, would have placed them under absolute subjection to the pope, who assuredly would have lost no time in removing them as guilty of simony. The Synod therefore declared Gregory to have forfeited the papal dignity, and renounced all allegiance to him. A

Gregory deposed by the Synod of Worms, A.D. 1076.

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[1] It is significant, also, of the hierarchical idea of Gregory, that he in no way prohibited the sub-investiture, which ecclesiastics, as well as laymen, received from bishops, and at which simony likewise was practised. Such a step would have reacted in its consequences against the Holy See itself, which granted numerous fiefs.

letter from Henry to the Pope, couched in the most peremptory and insulting terms, and addressed 'to Hildebrand, no longer Pope, but the false monk,' commanded Gregory to quit the apostolic throne.[1] But the latter had laid his plans for the contest with the genius of a superior mind. Southern Italy was in the hands of Robert Guiscard, a Norman, entirely devoted to his cause; the Duke of Tuscany was his intimate ally; and the pope inflamed the fanaticism of the lower orders against the imperialist and worldly prelates of Lombardy. In Germany he leaned principally upon the territorial potentates, who had emerged again into importance during the minority of the emperor, and by a dexterous manœuvre he turned their services to account against Henry, without allowing them to become independent. He retorted to the imperial missive by a sentence, not of deposition, but of suspension. As the whole of Christendom was given over to St. Peter, so obedience was due to his representative; and in this capacity God had given to him, the pope, the power to loose and to bind, in heaven and on earth. Resting on this assumption, he interdicted King Henry, who with such unheard of audacity had rebelled against the Church, from the government of Germany and Italy. 'I absolve all Christians,' he declared, in his invocation to St. Peter, 'from the oaths which they have sworn, or may swear to him, and forbid all obedience to him as King. For it is just that he who impugns the honour of the Church should himself forfeit all the honour which he seems to have; and because he has scorned the obedience of a Christian, and, despising the admonitions which I have given him for his salvation, has separated himself from the Church by creating schism, I

He excommunicates Henry IV.

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[1] 'Descende, descende, per sæcula damnande.' Harduin Concil. tom. vi. p. 1563.

bind him, therefore, in thy name, in the bonds of thy anathema.'

Here we find the full consequences of the pseudo-Isidorian theory of the papal power. So completely, however, did the Church rule the moral and intellectual life of the State, that no one contested her right to censure even the highest dignitaries. And accordingly, so deeply had the view penetrated of the incapacity of an excommunicated monarch to perform the functions of sovereignty, that after Gregory's sentence the desertion from Henry became general, the revolt in Saxony broke out afresh, and the king found himself placed in a situation in which it appeared to him most prudent to make his peace with the pope. He crossed the Alps, and the courtyard of the fortress of Canossa saw the sovereign lord of the world standing three days in the snow, with naked feet, and clothed in sackcloth, doing penance, until the haughty priest admitted him and absolved him from the ban. This act, by the drastic impression it created, was enough to mark indelibly the humiliation of the empire ; at the same time, it is obvious that Gregory in this case overstrained the bow, and allowed himself rather to be carried away by the pride of seeing his rival humbled than guided by reasons of genuine policy. The king, thus deeply affronted, shortly recommenced the struggle, which ended in Gregory's expulsion from Rome and his death in exile.

Henry IV. submits, A.D. 1077.

A.D. 1085.

Contest of the investures renewed.

His next successors in the pontificate were equally unable to terminate the contest about investitures, in the sense and manner in which Gregory had taken it up ; and the quarrel lasted nearly fifty years. Once there appeared the possibility of the only genuine solution, when Paschal II. consented, under pressure, to resign to the emperor, at his coronation in 1112, the temporalities of the Church, and Henry V. agreed on those terms to part with the right of investiture. But with regard to this treaty, which was framed, whether purposely or not, in the best interests of the Church, the pope, an unwilling party from the first, stood quite alone. The bishops would not hear of the surrender of their possessions and privileges, and no sooner was Paschal free from the power of the new emperor, than he disavowed his extorted concessions, and the struggle recommenced. As the Court of Rome could not enforce the pretensions of Gregory, while king, bishops, and princes, from various motives, resisted; a circuitous compromise was at length effected, which changed the form of investiture, but left its essence untouched, and thereby virtually retracted the absolute prohibition of Gregory. The emperor was given to understand, as the king of France had been assured before, that not lay investiture itself, but the investiture with the symbols of ecclesiastical dignity, the ring and staff, was inadmissible: there could be no objection to grants of Church property by the token of temporal dignity, the sceptre. Thus was concluded between Henry V. and Calixtus II., in 1122, the Concordat of Worms, which was confirmed three years later by the first Lateran Council.[1] According to this compact, the elections of bishops and abbots were to take place, according to canonical precept, in the presence of the emperor, but without bribery or violence, and with an appeal, in

A compromise effected by the concordat of Worms, A.D. 1122.

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[1] Transactio inter Calixtum II. et Henricum V. (Pertz, Leges, ii. p. 75): 'Ego Henricus . . . dimitto omnem investituram per annulum et baculum, et concedo omnibus ecclesiis . . . canonicam fieri electionem et liberam consecrationem . . . . . . Ego Calixtus . . concedo electiones episcoporum et abbatum Teutonici Regni, qui ad regnum pertinent, in præsentia tua fieri absque simonia et aliqua violentia. Et si qua inter partes discordia emerserit, Metropolitani et Comprovincialium consilio judicio leniori parti assensum et anxilium præbeas. Electus autem regalia per sceptrum a te recipiat, et quæ ex his jure tibi debeat, exceptis omnibus quæ ad Romanam ecclesiam pertinere noscuntur.'

cases of contested elections, to the metropolitan and provincial bishops. The investiture, however, with the *regalia* by the sceptre was to precede the consecration. By this provision the dependence of the higher clergy was secured to the emperor. If he refused investiture, the elected candidate could not lawfully proceed to the exercise of his office; and the chapters had therefore to take care not to elect any person whom the emperor would reject. Moreover, since the latter thus preserved his feudal relations towards the ecclesiastical aristocracy, his surrender of investiture by the ring and staff was so much the more a mere form, as he had never pretended to the right of conferring the spiritual office. According to this treaty, three points are to be distinguished in ecclesiastical appointments; namely, the election, the investiture with the *regalia*, and the consecration. Of these, the first and the third belonged to the spiritual, the second to the secular power. And these three constituent acts differed in importance according to political circumstances. The Concordat stipulated the presence of the emperor or his delegate at the election by the Chapters, and the consecration was not to take place before the investiture; but the last ceremony might give an opportunity to the pope to lodge fresh complaints about simony and to withhold the consecration. The chapters, on their part, strove to obtain absolute freedom of election. Although the hierarchy, therefore, had suffered in the Concordat a defeat which was scarcely concealed by the change in the outward symbols of sovereignty, yet the quarrel was by no means finally decided. A clause was added to the Concordat which contained the germ of a new controversy, by allowing, indeed, the person elected to fulfil his feudal obligations to the emperor arising out of his investiture with the temporalities, but making this reservation—'except in all things which are acknowledged to belong to the Roman Church.' What volumes did that sentence contain! The compact was only a truce. The more impossible did it become for the two rulers to stand side by side on the narrow pinnacle of supreme power, inasmuch as the progress of events favoured the papal ambition for supremacy.

The papacy supported by the Crusades

Foremost among these events, and most inopportune for the emperor, was the great movement of Christianity against Islam, the Crusades, which commenced at this time. From a purely military point of view, their importance is small: they could scarcely have affected the balance of power between the East and West; but so much the greater, from that fact, were their consequences to the Church and society. Whatever may have been their dark features, this enthusiasm for an idea, albeit a mistaken one, was something undeniably grand.

Nothing would have corresponded better with the idea of the empire than to take the lead in such a struggle against the most dangerous enemies of the Christian faith, and thus to identify itself in an heroic fashion with the traditions of the Carlovingian dynasty. Henry III. would have done this without scruple or reserve, and thus have regained, in all probability, a position such as Charlemagne had occupied before him. But of his son, the excommunicated monarch, in a chronic state of warfare with the Holy See, no one even spoke at the beginning of the first crusade, an enterprise, moreover, in which Germany took but a slender share. Had he attempted to take the leadership, the other sovereigns and princes would have refused to range themselves under his banner. It was the spiritual head of Christendom, Pope Urban II., who undertook the direction of the movement, and obtained the proclamation of the first crusade at the Council of Clermont. At the second, when the eloquence of Bernard of Clairvaux induced

Conrad III. to take the cross, the emperor in no way appeared as leader, but the pope exercised undisputed authority. In the third, the part of leader fell, indeed, to Barbarossa, but he perished at the beginning of the campaign.

The crusades served further to enhance the power of the papacy, as the knights who previously had been the foremost to seek honour in the service of the emperor, now found it in the service of the Church, militant against the infidel. The ecclesiastical orders of chivalry, the knights of St. John, the Templars, the Teutonic order, the Brethren of the Sword, received their authority from the popes, who thus exercised, with respect to these warriors, a right of investiture, that of the sword with the Cross. The military orders regarded themselves as subject to Rome, but acknowledged no allegiance to the emperor.

and Monastic orders.

The same object, namely, that of papal supremacy, was promoted by the monastic orders, which originated at this time, and formed such a remarkable pendant to the hierarchy in the universal Church. Such were the Cistercians, the Carmelites, the Carthusians, and the Premonstratenses. Originally, every monastery constituted a microcosm in itself. Under the immediate control of its abbot or prior, it was subject, as regards the Church, to the superintendence of the bishop of the diocese, unless privileged with exemption by the pope. But pious enthusiasts now united in erecting fraternities of monks, each with a hierarchical organisation, and subject to a common rule. Hence the notion of a separate order insinuated itself into the Church, and therewith her relations with the monasteries were changed. Each convent became now a member of a community, and consequently, although remaining self-governing with respect to its property and endowments, was drawn into the common sphere of the monastic interests belonging to the order, whose aim and object—the independence of episcopal control—was gained by immediate subjection to the pope. But in another manner also these institutions supported the papal power. Whilst, of their own free resolve, they not only realised in practice that contempt for the world which Gregory VII. had demanded from all servants of the Church, but even exceeded his requirements in point of self-denial and asceticism, the ideas of that pontiff assumed a personal shape, and that no less in powerful corporate bodies than in individuals. Had these corporations asserted themselves as independent sects they would undoubtedly have led to the dissolution of the Church, who, indeed, persecuted with reckless severity all attempts of that kind—as in the case of Peter of Brueys, Arnold of Brescia, and others. As brotherhoods, however, full of unqualified devotion to the papacy, and entirely subject to the direction of Rome, ready to appear everywhere as delegates of the pope and agents of the Curia, while remaining independent of the local clergy, they unsettled the ancient constitution of the Church, which rested upon the orders of the bishops, presbyters, and priests, and became a most effective instrument for the development of the papal power.

Growth of papal pretensions over the hierarchy.

The popes, even at that period, pretty generally asserted the right of inspecting, through their legates, and amending the condition of the Church, of convoking alone the different councils, besides making the validity of those synodical decrees dependent on their sanction, of consecrating the bishops in like manner as the archbishops had done, and of granting dispensations like the bishops within their dioceses. They claimed the supreme judicial power over the episcopate, the right of legislation—in a word, the complete sovereignty of the Church; and accordingly all ecclesiastics were to be merely their representatives and assistants (*in partem sollicitudinis evocati*), in whose sphere of activity they might interfere at will, while reserving to themselves an unlimited variety of privileges.

Corruptions of papal canonists.

The canon law also was framed, at Gregory's instigation, in a similar sense and spirit. Anselm, bishop of Lucca, the nephew of Pope Alexander II., had written a work, compiling everything serviceable to the monarchical claims of the papacy from the collections previously made—particularly from the pseudo-Isidorian—and had enlarged it by adding a series of new fictions and falsifications suited to the requirements of the Gregorian policy. In a similar fashion the cardinal Deusdedit proceeded with his work, maintaining, for example, that according to the Council of Nicæa, no synod could be held without the assent of the pope, that the African Church had always been subject and obedient to that of Rome, and other propositions of equal pretension. The self-imposed task of these authors, namely to demonstrate the existing system of the Curia as confirmed by the whole range of history, caused them to make statements in which it is often difficult to affirm where ignorance of history ceases and conscious deception begins. One false assertion was heaped upon another, and a stock of myths was soon fabricated which could be turned to any purpose whatever.

Gratian's Decretum.

In this respect the collection published about the middle of the twelfth century by the Bolognese monk Gratian, and known as the *Decretum Gratiani*, marked an epoch by itself. Intended originally as an epitome for the instruction of youth in the schools, it shortly superseded all older compilations of canon law; and, although swarming with false statements and inaccuracies, exercised the most far-reaching influence. In it genuine canons were mixed with spurious decretals, the Gregorian fictions, numerous extracts from sources of Roman law, from the writings of the Fathers and of theologians, and, finally, with the scholastic deductions of the compiler himself. The keystone and leading idea, which gave unity and cohesion to so many unconnected and often contradictory decisions, was to exalt the Church above all the powers of the earth, and to make the pope her sovereign. 'As Christ upon earth,' says Gratian, 'was subject to the law, but in reality was supreme over the law, so the pope is high above all laws of the Church, and can deal with them freely, inasmuch as he alone gave power and efficacy, in the first instance, to every law.'[1] Although this Decretum was a purely private compilation, destitute, as a whole, of all legal authority whatever[2]—and consequently each portion of the extracts must be judged by its intrinsic merits, irrespective of its admission into the collection—still, the work rapidly circulated throughout the West, and formed, as a sort of Pandects of the canon law, an almost universally recognised source of public and private jurisprudence as late as the sixteenth century. It became in particular the fountain of ecclesiastical jurisdiction,. the importance of which we have repeatedly dwelt upon. 'By means of her new jurisprudence,' remarks Hallam, 'Rome acquired in every country a powerful body of advocates, who, though many of them were laymen, would, with the usual bigotry of lawyers, defend every pretension or abuse, to which their received standard of authority gave sanction.'[3]

Progress of ecclesiastical jurisdiction.

The judicial prerogatives of spiritual tribunals were about this time so incontestably established, that the State forbade even, on pain of forfeiting the right of complaint, that an action should be brought against ecclesiastics before secular courts. On the other hand, the purview of lay causes cognisable by an ecclesiastical judge became more and more comprehensive. The Church claimed the right of jurisdiction not only in all purely spiritual matters, but even in such secular ones as were in any way connected with her interests. According to that demand, all disputes involving ecclesiastical relations of law—those, therefore, relating to benefices, their establishment, alienation, or grant; parochial privileges and rights of patronage; Church property; tithes; all questions concerning the fulfilment of vows; all matters incident to the nuptial contract (marriage being considered as a sacrament)—came before the cognisance of the ecclesiastical judge. To these were added all civil litigation, connected in a certain manner with religion; all complaints of the poor, of orphans, widows, and others, the protection of whom, as persons in distress (*miserabiles personæ*), was especially enjoined upon the Church; all disputes relating to wills,—since the execution of testamentary dispositions was regarded as a duty of conscience,—and all questions of personal trust, such as alleged breaches of contract,—since an oath, the adjuration to God to attest the truth of an affirmation, lay within the competence of the Church, who declared, further, that one which endangered her welfare was not only invalid, but could be punished as perjury.[1] Finally, the spiritual jurisdiction embraced all such purely civil disputes as occurred collaterally with an ecclesiastical question; as, for example, the determination of dower or alimony in a matrimonial cause, or those whose decision affected the spiritual matter of action.

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[1] c. 16, C. xxv. qu. 1. and c. 11. Anathema sit . . . . . quicunque Regum, seu Episcoporum vel potentum deinceps Romanorum Pontificum decretorum censuram in quocunque crediderit vel permiserit violandam.

[2] Herein lies the difference between the *Decretum* itself and other portions embodied in the *Corpus Juris Canonici*, such as the *Decretalia* of Gregory IX., and the *Liber Sextus* of Boniface VIII., which are formal laws of the Church.

[3] Middle Ages, ii. 202.

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[1] c. 27, x. ii. 24. Quia non juramenta, sed perjuria potius sunt dicenda, quæ contra utilitatem ecclesiasticam attentantur.

The Church pretended even a right to adjudge all civil lawsuits whatsoever, in case the temporal judge refused or delayed justice. It need scarcely be remarked that the development of this ecclesiastical jurisdiction was extremely slow, inasmuch as, during this period of the increasing power of the Roman hierarchy, it encountered various opposition from the secular authorities, the princes as well as the powerful municipal corporations. But it is evident that this general aggrandisement, which gave the Church a voice in all secular affairs, so immeasurably increased her power that she nearly succeeded in rending the State asunder.

The Church as a universal monarchy.

If we look at all these motive powers which cooperated to exalt the Roman hierarchy to such a pinnacle of power, we shall be able to understand that the papacy began to strive with increasing vigour for a universal temporal sway. This object Gregory VII. had not accomplished. According to his theory, Christendom was to form a vast monarchy, with settled order, whose body was the laity and whose soul was the Church; each with functions properly distributed—the laity under princes and kings, with the emperor as their head; the ecclesiastical hierarchy, rising from the lowest priest up to the supreme Pontiff, and governed by the law of inviolable obedience to their spiritual monarch. Gregory, indeed, admitted that the State was only the dark planet which was first illuminated and warmed by the sun of the Church, and that the pope's decision superseded all secular authority. But while thus arrogating to himself the supremacy upon earth and the right of deciding all questions in dispute, nay, while endeavouring to strain the temporal authority of the Roman Church to its utmost, he recognised, nevertheless, an independent temporal order of civil society. But among his successors the theory was more and more prominently advanced, that God had given to the pope the supreme authority and rule, not merely in spiritual, but in all temporal affairs, and that the latter therefore was lord paramount of the whole earth. They interfered in all political questions, and gave away kingdoms, as Ireland to England,[1] Prussia and Livonia to the knightly orders.

Certainly, warning voices of devoted adherents of the Church were not wanting against this ambition for a universal monarchy. Foremost among these was Bernard of Clairvaux, the preacher of the second crusade, and one of the most conspicuous characters of his time. He was convinced of the divine institution of the papacy, and stoutly resisted all opponents. But he demanded that the occupant of the papal chair should be a real follower of St. Peter, a truly apostolical man; and for this reason he wished that the pope should renounce all claims to worldly dominion and confine himself to the government of the Church. In this spirit he wrote to his former pupil and friend, Eugenius III.:—'Try only to unite both characters; as ruler, to be the successor of the apostle, or as successor of the apostle, to wish to rule. You will find that one or the other you must renounce; if you aspire to both at the same time, you will lose both.' But these warnings died away unheard.

The progress of the contest with the Empire, was destined now to be decisive for the establishment of the papal claims. At first the empire had decidedly the advantage.

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[1] Adrian IV., in giving permission to Henry II. to conquer Ireland, writes to him:—'Sane Hiberniam et omnes insulas, quibus Sol justitiæ Jesu Christi illuxit et quæ documenta fidei Christianæ susceperunt, ad jus Beati Petri et sacrosanctæ Romanæ ecclesiæ (quod tua et nobilitas recognoscit) non est dubium pertinere. Significasti siquidem nobis, fili in Christo carissime, te Hiberniam insulam, ad subdendum illum populum legibus et vitiorum plantaria inde exstirpanda, velle intrare et de singulis domibus annuam unius denarii Beato Petro velle solvere pensionem et jura ecclesiarum illius terræ illibata et integra conservare.' (Bullarium Romanum. Romæ, 1739, ii. p. 351.)

Eugenius III. was driven away by the Romans, and Arnold of Brescia assumed the leadership of the movement, which aimed at divesting the Church of temporal power. It was a moment which, if skilfully used, would have broken the power of the papacy. But Conrad III., although he maintained his imperial rights with firmness against the Church, was not the man for the occasion. He preferred to take up the cross, and died shortly after his return from the crusade. With Frederick Barbarossa imperialism appeared once more in the plenitude of its power. As he exalted the external prestige of the empire, so he understood also resolutely to guard the rights secured by the Concordat of Worms. The papal legates, who sought to protest against the election and investiture of the archbishop of Magdeburg, were banished by him from the empire, and the cathedral chapters, perplexed with divided opinions, actually begged for a bishop from the king. In principle Frederick favoured the independence of capitular election, because he considered the chapters as the best safeguard against the Court of Rome; a belief, indeed, which was destined to be grievously disappointed, the independence of the bishops being strong against the secular power, but unable to resist the encroachments of Rome. But the most fatal error, which Frederick, like so many of his predecessors, committed, was to undervalue the importance of real kingship. The centre of his policy lay in Italy, but there his position was very different from that of his predecessors in the days of Astolph and Desiderius. He came, not like Otho I. and Henry III., to put an end to anarchy; on the contrary, he found a league of powerful, almost sovereign, cities. Over these he sought to establish the imperial prerogatives, and in this struggle he consumed his best energies and strength. The papacy, to whom he had delivered up its enemy, Arnold of Brescia, instead

Frederick I. 1152–1191.

The Lombard league.

of making use of him against its pretensions,[1] allied itself with the Lombards, and at the critical moment, on the field of Legnano, the failure of a great vassal to join his banner, whom he himself had raised to a position of virtual sovereignty, overthrew the whole edifice of his policy. After the peace of Constance he was forced not only to acknowledge as the rightful pontiff the man who had been the leading spirit among his adversaries, but to humble himself before him at Venice. The most potent sovereign who for a long time had occupied the imperial throne was greeted by the pope as a prodigal son, and confessed that the majesty of his imperial title had not protected him from being wrapped, through the counsel of wicked men, in the darkness of ignorance; that he had fought against and nearly destroyed the Church, which he thought to defend and exalt; that by his wrong-doing the seamless vesture of Christ was rent, and defiled with heresy and schism; and that, forasmuch as in his treatment of the Church he had striven more for power than for justice, he had deservedly fallen into error.[2]

Papal autocracy under Innocent III., 1198-1216.

Still more favourably did circumstances shape themselves for Rome, when the papal throne was ascended by one of the most powerful personages, born to rule, that the whole course of history has produced. Innocent III., an Italian of noble family, and educated at Paris and Bologna, was elected while still in the prime of manhood, and in the midst of all the distractions of Italy. He entered upon his office with many protestations of humility and personal unworthiness, but in his inauguration sermon to the clergy and people he manifested his full consciousness of the position he had attained. 'The vicegerent of Christ,' he said, 'stands between God and man; he is less than God and more than man: he judges all men and is judged by none.'[1] In this spirit he commenced his task, and he began by restoring the supremacy of the papal government in Rome. Frederick I. had himself helped to overthrow the efforts of the citizens for a certain limited independence. Innocent, immediately after his election, caused the oath of allegiance to be sworn to him by the imperial prefect of the city, and substituted his own judges for those appointed by the senate. After that, he proceeded to cast his eyes abroad. The attempt of Henry VI. to make the crown hereditary was frustrated at his death in 1197. Germany, in the anxiety to escape the dangers of a long minority, was divided between two competitors for the throne—Philip of Swabia and Otho of Brunswick, each of whom invoked the support of the pope. Innocent, thus raised for the first time by circumstances to the position of arbitrator, announced plainly, before expressing his sentiments on the choice, that it belonged to the Holy See to determine the election of an Emperor; firstly, because by her aid the Empire had been transferred from the Greeks to the Franks; secondly, because the Emperor receives the final confirmation of his dignity from the pope, being consecrated, crowned, and invested by him alone. With instinctive hatred he

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[1] Arnold unquestionably mistook his time, and did not understand how to associate his schemes with a great Power of that age. Instead of making every effort to gain the Emperor, he was enthusiastic for a defunct ideal, the restoration of the old republic of people and senate. Had Frederick, however, at that time learned from experience that he must choose between absolute obedience or uncompromising resistance to the pope, he would never have seen in Arnold the mere rebel, but would have employed his services successfully against the Roman See, and thus obviated the danger to his own greatness.

[2] Conventus Venetus. Oratio Imperatoris. Pertz, Leges, ii. 155.

His interference in Germany.

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[1] In consecratione Sermo—Vicarius Jesu Christi, successor Petri, inter deum et hominem medius constitutus, citra Deum sed ultra hominem, minor Deo sed major homine, qui de omnibus judicat et a nemine judicatur; Apostoli voce pronuncians, qui me judicat, Dominus est. (Innocent. Opp. i. p. 189, Venet. 1578.)

took part against the Hohenstaufen, but he demanded from Otho the most positive oath of submission to Rome. Philip, however, notwithstanding this support of his rival, continued to gain ground in Germany, insomuch that even Innocent found it prudent to cultivate his friendship. Scarcely had these negotiations been concluded, when Philip was murdered. The pope now turned again to Otho, who finally was crowned Emperor at Rome, but immediately afterwards fell into a lively quarrel with his papal protector. The princes of Germany could only have effectually resisted this interference of the pontiff by unreservedly supporting the empire; but just they, who had been enriched in part by the Hohenstaufen through the destruction of the Guelf power, thought only how to make the fatal contest for the crown serve to strengthen their independence. Meanwhile, each of the rival claimants to the empire had bid for their support. Philip had given away the greater part of the Hohenstaufen family property in fiefs; Otho, as client of the pope, had promised his patron to renounce the regalia and *jus spolii*;[1] to allow appeals to Rome and the free election of bishops by the chapters; not to intermeddle in any way in ecclesiastical affairs, and to devote all his efforts to the extirpation of heresy. Thus, between these bidders for papal favour, the Concordat of Worms, without being formally abrogated, lost more and more its real essence and importance. And while the cities emancipated themselves from episcopal control, and grew, under the general expansion of commerce, into powerful communities, the unity of the empire was weakened no less by their independence than by that of the princes. The empire itself became more and more a multipartite federation; the imperial power more and more shadowy. Innocent had therefore nothing to fear from Germany.

Otho IV., emperor, 1208-1212.

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[1] See p. 199.

In Northern Italy, the league of the Lombard cities, enlarged by the admission of the towns of Tuscany, acquired through his protection a closer organisation against the Germans. In the South he succeeded in making himself absolute master. Constantia, the widow of Henry VI., and heiress of the Norman throne in Sicily, had, with incomprehensible blindness, placed her infant son, the future Frederick II., under the guardianship of the pope, hoping thereby to disarm his hostility against the Hohenstaufen. But Innocent made use of this trust only to plunder his ward. He produced from the baggage of the defeated Markwald, a will, evidently falsified, purporting to be that of Henry VI., in which that violent enemy of Rome was represented as commanding his son to accept Sicily, on his majority, as a fief from the Holy See.[1] Supported by this document, Innocent took possession of the Southern kingdom.

Innocent usurps Sicily.

But his restless spirit meditated even greater conquests. As the continuance of the Roman empire in the East, which persistently refused to recognise the precedence of the Western potentate, was a stumbling-block to the principle of the empire as a universal monarchy, so the existence of an independent Eastern Church was a perpetual and practical protest against the whole system of the united Catholic Church, which aspired to have her only centre at Rome. Rome might now condemn the Greeks as schismatics, and the mass of the people know nothing about them: the fact remained that there was a Christian Church which owned no allegiance to the pope. Innocent III., on mounting the apostolic throne, had at once conceived the scheme of extending the dominion of Rome over the East. His instruments for this purpose were the Crusaders; and at his instigation they conquered Constantinople for a pretender to the crown, who laid his

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[1] Gesta xxvii.

Latin conquest of Constantinople. A.D. 1204.

sceptre as well as his church at the feet of the Roman pontiff. A Venetian priest was nominated by him to the patriarchate, and all episcopal sees were filled with Latins. Although this empire lasted only fifty-seven years, still the event itself, which restored the unity of the Church, and made even the temporal power at Constantinople dependent on the pope, raised Innocent to a position wellnigh all powerful. The kings of Bulgaria and Wallachia, of Hungary, Bohemia, Aragon, nay, even of England, acknowledged themselves his vassals, and received their countries from him as fiefs,[1] the pope assuring them, that by so doing, they possessed their kingdoms on a far more exalted and permanent tenure than before, since the latter had now become, in accordance with Scripture, sacerdotal monarchies. His principle was to allow no quarrel to pass without his interference; usually deciding in favour of the party which first brought the matter before him, and thus acknowledged its obedience to the Roman See. He forced the haughty Philip Augustus of France to submission by the then fearful weapon of the interdict, which put a stop to all public worship in the country thus afflicted, while so serious was the disturbance of social life through the powerful influence at that time of religious service, that the exasperation of the people compelled the sovereign who had caused the interdict to succumb. Thus it can be understood that Innocent, in the intoxication of this incomparable power, soared to the assertion that God had given to Peter the dominion not only over the whole Church, but over the whole universe.[2]

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[1] These rights of liege lord Innocent assumed in full earnestness. In annulling the Magna Charta he declared to the English barons, 'Cum ejusdem regni dominium ad Romanam ecclesiam pertineret, ipse (rex) non poterat nec debebat quicquam de illo in nostrum præjudicium immutare.' Rymer, Fœdera I. p. 136.

[2] Innocent III. Epp. Lib. II. Ep. 209 (ad Patriar. Constant.) ed.

Persecution of heresy.

But internally, also, the pontificate of Innocent marked an epoch in history. The persecution of heresy became now completely organised. The Crusades had served to popularise the maxim that the Infidel was the enemy of God, and therefore of all His servants. The Church now applied this maxim, with double severity, against erring believers — the faithless among the faithful — whose heresy was the more odious as being aggravated by the guilt of treason. Every crime but theirs was an offence against man. Apostasy from the true faith was a crime against God, for which no punishment could be too severe. As for Jews and Islamites, no persecution awaited them; for both were aliens from the Church. They were strangers; they were enemies, no doubt, against whom it was lawful to wage warfare—against the Jews by a system of legislation which assigned to them a position of degradation; against the Islamites by the sword; but neither of them were liable to be treated as criminals on account of their belief. The heretic, on the contrary, was a traitor in his own house. He was a revolted subject, who had denied his membership of the true Church, who had abjured his birthright, derived from God, as a Catholic Christian; and who must therefore be punished as a political rebel. Precisely on these grounds had the Church already, in earlier times, opposed comparatively

Baluz. i. 47. Cum inquit ad eum: 'Tu vocaberis Cephas,' quod etsi Petrus interpretetur, caput tamen exponitur, ut sicut caput inter cætera membra corporis, velut in quo viget plenitudo sensuum, obtinet principatum, sic et Petrus inter Apostolos et successores ipsius inter universos ecclesiarum prælatos, prærogativa præcellerent dignitatis; vocatis sic cæteris *in partem sollicitudinis*, ut nihil de potestatis plenitudine deperiret. Huic Dominus oves suas pascendas commisit, ut alienus a grege dominico censeatur, qui cum etiam in successoribus suis noluerit habere pastorem. Non enim inter has et illas oves distinxit, sed simpliciter inquit: 'Pasce oves meas,' ut omnes omnino intelligantur ei esse commissæ. Jacobus enim, frater Domini, Petro non solum universam ecclesiam sed totum reliquit sæculum gubernandum.

innocent sects with fire and sword. Ever since the overthrow of Arianism through the Franks and Mussulmans, Roman orthodoxy had exercised undisputed sway. But with the twelfth century counter-tendencies began to manifest themselves; and since the whole fabric of society was based on the principle of subjection to the clergy, the first note of opposition was sounded against their ambition, corruption, and extravagant wealth. As monachism, whose primary object had been to save the demoralised Church by the voluntary abnegation of all worldly pleasures, had offered the first organised protest against hierarchical Christianity—in other words, against the inordinate luxury and worldliness of the regular clergy, so, with all the strange varieties of heresy among the sectaries of this age, we find them all concurring in a common revolt against the patent abuses of sacerdotalism. The opposition, it is true, took different forms. There were the simple Anti-Sacerdotalists, of more or less speculative views, like the followers of Peter de Brueys and Tauchelin of Antwerp, whose strength lay chiefly in the personal influence of their leaders. There were others, like the Manichæans, of a more eccentric cast, who, while revolting equally against the prevalent materialism of religion, sought to graft the old doctrines of the East on a severe and mystic—nay, a semi-rationalistic form of asceticism. There were those, finally, whose opposition to sacerdotalism, if less speculative, professed to be purely scriptural.

To this last class belonged the Waldenses—a sect all the more important, as their heresy assumed the more practical form of hostility to the pretensions of the clergy. Rejecting the claims of traditional religion, they appealed solely to the fundamental authority of Scripture. The purity of their lives, which even their enemies could not deny, lent a lustre to their teaching, and the number of their adherents rapidly increased in France, Burgundy and Italy. Like many other sects, they did not contemplate secession at first, and they are not found included in the list of heretics condemned by the third Lateran Council under Alexander III. But the prohibition of lay preaching, by the Archbishop of Lyons, brought them into open conflict with Rome, and they were solemnly anathematised by Lucius III. at the Council of Verona. After this, their divergencies of doctrine became more decided. They repudiated the whole hierarchical system and the priesthood. They rejected auricular confession, the worship of saints and relics, prayers for the dead, purgatory, indulgences, and the mass. Absolution was invalidated by the unworthiness of the priest, but could be performed by a worthy layman. Of the sacraments, they retained only baptism and the Eucharist. The latter was taken in both forms, and a modified theory of transubstantiation was introduced, by making it take place, not in the hand of the priest but in the mouth of the believer. Their government was confined to bishops (*majorales*), presbyters, and deacons. The laity were divided into the 'Perfect,' who gave up all property and led a life of strict mortification; and the 'Imperfect,' who, while renouncing all luxury, lived like others in society. The rupture of the Waldenses with Rome was rendered all the more inevitable, as they began to translate and circulate the Bible in the vulgar tongue. Innocent, indeed, acknowledged Scripture as the source of revelation, but he maintained, in the true spirit of the hierarchy, that only the priests could understand it, and therefore alone could interpret it to the people.[1] Still less would he allow the laity the right of rebuking the priests for their sins by an appeal to Scripture. Sharply as he himself censured the worldliness of the clergy, he would only have them punished by their ecclesiastical superiors.

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[1] See his letters to the diocese of Metz. Opera Innocent III. p. 468, 567.

The Albigenses.

Still more threatening appeared the heresy of the Albigenses,[1] because these attacked directly the Roman Church and her authority, nay, even designated her an idolatrous institution—the Babylon of the Apocalypse. Languedoc and Provence, at that time politically independent, belonged to the richest and most fertile districts of Europe. The brisk commercial intercourse with the Spanish Moors and the East had imbued the people with a spirit of freedom and toleration which rebelled against the religious despotism of Rome and the corruption of the clergy. Partly through the after-effects of Arianism, partly by alliances with the Eastern Catharists, a sect was formed here, based essentially on the dualistic principle of the Manichæans, but which, in partial connection with the doctrines of the Waldenses, rejected the cardinal points of orthodox tradition, and sought to establish their faith upon Scripture. Above all, the Albigenses would hear nothing of priest-rule and hierarchy, but admitted only bishops and deacons according to the Apostolic model. They divided themselves into the simple believers (*croyants*), and the good and perfect men (*bons et parfaits hommes*), who lived in a state of celibacy, poverty, and mortification; who received consecration by a form of spiritual baptism called *consolamentum*; and from whom the bishops and deacons were chosen. About the middle of the twelfth century this sect had spread over Southern France, Burgundy, Italy, Champagne, Flanders, and the cities of Trèves, Liége, and Cologne. In 1167 they held a council, which established their form of worship and constitution. Through a bishop, Nicetas, from Constantinople, they formed an alliance with the Eastern Catharists, and numbered among their adherents not only, like the Waldenses, the lower orders of the people, but the wealthy and educated nobility of Southern France. Such a movement could not fail to excite all the wrath of such a pope as Innocent III. Immediately on his ascending the papal throne, he published a crusade against the pest of the Albigensian heresy. A powerful army, drawn from the territories of all princes and potentates, especially from France, and allured by the prospect of indulgences and booty, was gathered together, and changed that smiling country to a desert. On the refusal of the city of Béziers to surrender, the papal legate, Arnaud, exclaimed: 'Well, then, not a stone shall remain in its place; not a life shall be spared;' and when asked by the soldiers how to distinguish the orthodox from the heretics, replied: 'Kill them all! God will know his own.'[1] The order was literally obeyed, and more than 20,000 persons were put to the sword—7,000 in the Church of St. Mary Magdalen alone,—and afterwards, when not a living soul was left, the town was plundered and burned, as a signal example of divine punishment.[2]

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[1] C. Schmidt, 'Histoire et Doctrine de la Secte des Catarrhes ou Albigeois.' 2 vols. Paris, 1849.

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[1] The historical credibility of these words is proved by Schmidt, i. p. 229. Even Innocent's apologist, Hurter, does not venture to deny them. ('Life of Innocent,' ii. 331.)

[2] Report of the Legates: 'Capta est civitas Biterrensis, nostrique non parcentes ordini, sexui vel ætati, fere viginti millia hominum in ore gladii peremerunt, factaque hostium strage permaxima; spoliata est tota civitas et succensa, ultione divina in eam mirabiliter sæviente.' (Innoc. Ep. Lib. XII. Ep. 108, Ed. Baluzius, p. 374.) Albericus 'Chronicon,' ii. 450, ed. Leibnitz, says that 60,000 were killed; others even more. Innocent, however, did not survive the end of the war, which was first brought about by Louis IX. incorporating the province of Languedoc into France. Louis, justly celebrated in other respects as the ideal of a Christian king, nevertheless worshipped, in matters of religion, the spirit of persecution, and held the opinion that every layman, when the true faith was gainsayed or disputed, should reply only 'à bonne épée tranchante.'

But the Albigensian crusade has its peculiar significance. It gave birth to the Inquisition, which, acting on the principle that the visible Church is in exclusive possession of the truth, imposed, by an organised system of persecution, the tyranny of ecclesiastical dominion upon the consciences of mankind. After this general suppression of the heresy, Innocent appointed a special commission of ecclesiastical delegates to extinguish its secretly smouldering remains. Once a year each bishop, either in person or by his archdeacon, was to institute enquiries among all communities which were reputed to be heretical. The rigorous commands of Innocent III. were confirmed and amplified by the fourth Lateran Council in 1215, which converted the inquisitorial power of the bishops into a standing institution. The machinery of this engine of persecution—the Inquisition—was perfected in 1229 by the famous Council of Toulouse, which gave the death-blow to religious liberty, just as, in the same year, Raymond VII. signed away his political independence by the Treaty of Paris. In every village or town one clerical and two or more lay inquisitors were appointed, to hunt out heretics. All persons guilty of harbouring them were reduced to a state of slavery, and forfeited for ever their property. Every house in which a heretic was found was to be razed to the ground.[1] Suspected persons were to be incapable of holding office, of practising medicine, or of nursing the sick. The proceedings were to be secret; without witnesses or any defence being allowed to the accused. The Church did not actually stain her hands with blood, but she delivered up the guilty to the secular arm, and compelled the latter to execute her sentences. At the same time an express prohibition was issued against the reading of Scripture. The laity were forbidden to possess the books of the Old and New

Council of Toulouse.

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[1] Concil. Tolos. ap. Mansi XXIII. capp. i, iv, vi.

Testaments, with the exception of the Psalms—the Horæ of the Blessed Virgin were permitted, but even these might not be translated into the vernacular.[1] The Roman hierarchy could not, according to its principles, tolerate any free development of religious life;[2] each particular association of believers, who were not in the immediate service of the Church, must be rigorously suppressed.

Dominicans and Franciscans.

The zenith of papal power thus attained by Innocent III., was aptly characterised by the establishment of the two most important orders of the middle ages—the mendicant fraternities of the Dominicans and Franciscans, both of whom carried to a pitch the theories of self-abnegation and of absolute obedience to the papacy. Impressed with the conviction that all worldly possessions were a hindrance to religious life, each made the vow of poverty obligatory upon the order, and enjoined its members to live by alms alone. And whereas the earlier orders had seen their supreme authority vested in a chapter, consisting of their leading abbots, the constitution of the Dominicans and Franciscans was strictly monarchical: each of these fraternities was under a General, who was obliged to live at Rome, in order to be in constant readiness for the service of the pope. They were further distinguished from their predecessors by the fact that their sphere of activity was not limited to the convent, but was calculated rather for intercourse with the world. The Franciscans directed their chief energies to the practical care of souls; the Dominicans to the defence and perfecting of the orthodox faith. The latter were the militia of the Inquisition, the first champion of which, their founder Dominicus, had himself been one of the Albigensian crusaders. Both orders infused new life into the ruined system of monachism; but they contributed also, by their privilege of preaching everywhere without the consent even of the priests and bishops, of receiving confessions, and so on, to weaken the importance of the parochial clergy.

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[1] Prohibemus etiam, ne libros veteris testamenti aut novi laici permittantur habere, nisi forte psalterium vel breviarium pro divinis officiis aut horas B. Mariæ aliquis ex devotione habere velit. Sed ne præmissos libros habeant in vulgari translatos, arctissime inhibemus. Conc. Tolos. c. 14, Mansi XXIII. 197.

[2] Item firmiter inhibemus, ne cuiquam laïcæ personæ liceat publice vel privatim de fide catholica disputare, qui vero contra fecerit excommunicationis laqueo innodetur (Gregor. IX. 'Contra Patarenos,' 1231, Mansi XXIII. 74).

Fourth Lateran Council, 1215.

The fourth Lateran Council in 1215 concludes the active career of Innocent. That council appeared so far to deserve the epithet of œcumenical, as the Eastern Church was for the first time again represented. It was, moreover, perhaps the grandest ecclesiastical assembly of all. There were present no less than 3 patriarchs, 71 archbishops and primates, 412 bishops, 900 abbots and priors, besides the ambassadors of the principal sovereigns and republics.[1] Rome appeared in a splendour hitherto unequalled.[2] The Council began by defining the orthodox Catholic faith; Transubstantiation being now for the first time declared to be a dogma.[3] It decided a great many questions and controversies, and issued a variety of instructions;

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[1] Præf. ad decr. Concil. ed. Venet. 1578. The contemporary writer, quoted by Mansi XXII. 955, differs somewhat as to the numbers.

[2] Non est profecto concilium aliud celebrius ullum facile indicare. (Præfatio ad decr. Conc. Lat. Jun. Opp. I. p. 460, Venet. 1578.)

[3] The theory was first formulated by the monk Paschasius Radbertus in the ninth century (see Veter. Script. collectio by Martene and Durand, vol. ix. p. 367, *sqq.*), but contradicted then by the most eminent divines. In the eleventh century Berengarius of Tours sought in vain to defend the figurative meaning of the sacrament. It was now declared, 'In quâ (ecclesiâ) ipse sacerdos, et sacrificium Jesu Christi, cujus corpus et sanguis in sacramento altaris sub speciebus panis et vini veraciter continentur, transubstantiatis, pane in corpus, et vino in sanguinem, potestate divinâ, ut ad perficiendum mysterium unitatis accipiamus ipsi de suo, quod accepit ipse de nostro.' Concil. Lateran. ap. Mansi XXII. p. 954, cap. i.

but its two most pregnant resolutions were the obligation of auricular confession for every adult,[1] and the duty of extirpating heresy, of which the third chapter treats in great detail. All who impugn the holy, orthodox, and Catholic faith as defined by the Council, shall be considered heretics—however variously denominated [2]—and be damned accordingly. They shall then be delivered up to the secular powers, to suffer due punishment—the clergy are first to be degraded from their order—and their property shall be confiscated. Persons suspected of heresy shall be required to exculpate themselves from the charge; if they fail to do so, they shall be excommunicated, and, after a year, condemned as heretics. All secular powers shall swear to purge, in good faith and to the utmost of their ability, the lands subject to their jurisdiction of all heretics denounced as such by the Church. If any temporal lord shall prove negligent in this respect he shall be excommunicated; and if he has not given satisfaction within a year, the pope will absolve his vassals from their allegiance, and give his estates to other Catholics, who, after having exterminated the heretics, shall enjoy undisputed possession of the country. All who have taken part in a crusade against heretics shall receive the same absolution as is promised to those who have done battle with the Saracens. The protectors of heretics shall be excommunicated, and if they fail to repent within a year, shall be declared infamous and incapable of any right or office. The bishops shall once a year at least visit all the parishes in which heretics are said to exist, and shall compel three trustworthy inhabitants, or, if necessary, the whole neighbourhood, to swear that they will denounce to them any heretics, or such as frequent secret conventicles, or dissent from the habits of the faithful. If they refuse to swear, they shall be considered as heretics; and if a bishop is proved to be remiss in his duty of purging his diocese of heretical wickedness, he shall lose his see.

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[1] Cap. 21.

[2] 'Condemnantes universos hæreticos, quibuscunque nominibus censeantur, facies quidem habentes diversas, sed caudas ad invicem colligatas,' cap. 3.

By these resolutions the Inquisition was raised to a general institution, and spread with terrible rapidity over the Catholic world. Thousands of innocent persons perished through false accusations, and when the arch-persecutor of Germany, Conrad of Marburg, was killed in 1233, even Gregory IX. wondered that the Germans had stood this tyranny so long.[1]

Death of Innocent III. A.D. 1216.

The Council which framed these stringent and searching resolutions lasted only nineteen days. Its members did not discuss—they simply accepted—the proposals, each already formulated into a decree, of the powerful dictator who personified the Church.[2] The decrees ran thus: 'Sacra universali synodo approbante sancimus.' A few months after the close of the assembly, Innocent died, while busily engaged in promoting a new crusade. Uniting gifts of the very first order with profound learning and inflexible energy, he raised the papacy to the highest pinnacle of its power. Assisted by a marvellous conjuncture of favourable events, as was shown particularly by the circumstance that no rival of equal talent opposed him, he realised the idea, so far as it was possible to do so, of a universal spiritual monarchy. If he shrank from no means to compass this end, history must still testify on his behalf that he made his vast mental talents[1] and resources of power entirely subservient to that one idea which he pursued with such full personal conviction. Nowhere, in his whole career, do we find the least doubt on his part of his absolute right and title to the position which he occupied as head of Christendom. It is easily intelligible that the papal system, thus grandly realised, penetrated also the literature of that age. The Sachsenspiegel (1215–18), while placing the spiritual and temporal swords side by side, with equal rights,[2] assigns to the pope alone certain privileges of honour, and obliges the emperor to obtain for him, by the power of the secular arm, that obedience which he cannot extort by secular law. The Schwabenspiegel, composed under ecclesiastical influence, represents both swords as given to Peter, of which the pope lends the temporal one to the emperor.

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[1] It is scarcely credible that the Inquisition was justified by appealing to the words of Christ (St. John, xv. 6): 'If a man abide not in me, he is cast forth as a branch, and is withered; and men gather them, and cast them into the fire, and they are burned.' A Spanish author (Paramo, *De origine et progressu officii Sanctæ Inquisitionis*, 1598) declares God to be the first inquisitor, when he interrogates Adam and Eve. And even at the present day, Bishop Martin of Paderborn writes, in his 'Compendium of the Catholic Religion': 'This tribunal of faith, however much mistaken and misunderstood at various times, has everywhere proved its extreme utility where it has been conducted in the spirit and according to the precepts of the Church.'

[2] Fuerunt quidem hæc decreta in eo concilio constituta, verumtamen ab ipso papa Innocentio in hanc redacta sunt formam. Præfat. ad decr.

Frederick II., 1212–1250.

Once more, and in a remarkable manner, the Empire essayed the contest with the Hierarchy, this time in the person of Frederick II., the pupil of Innocent. At first, it is true, he showed himself an obedient son of the Church. Having renewed once, in 1213, as king of the Romans, all the promises made by Otho to Innocent, he repeated them in 1215 before his coronation as emperor, and swore humbly to obey and vigorously to protect his spiritual mother and instructress, the Church. These promises he confirmed and extended in the following year by the constitution establishing the rights of the spiritual princes. No one, under pretext of protecting his bailiwick, should be allowed to injure a church; if he did so, the damage eventually should be doubly repaired, and a hundred marks paid as a fine. No strange buildings, castles, or towns should be built upon ecclesiastical estates; and as the temporal sword is wielded for the support of the spiritual one, so persons excommunicated should forfeit their claim to the law (*persona standi in judicio*), and in case they were not freed from the ban within a certain time, should become outlaws from the empire.[1] In 1224 he commanded all estates and magistrates of the empire to give free power and every assistance to the Dominicans in their persecution of heretics, to enquire in person whether heretics were to be found within their jurisdiction, to deliver them up to the ecclesiastical judge, and to execute the punishment pronounced upon them.

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[1] An idea will be formed of the activity with which he comprehended the weightiest as well as the smallest matters, in his government of universal Christendom, if we look through the 5,300 numbers, which only refer to his rule of eighteen years, in the papal registers. And with all this, he found time for literary studies.

[2] For that very reason, Gregory XI. in 1374 condemned, under the pressure of the Augustinian monk Klenkok, the precepts of the Sachsenspiegel as execrable, because they contravened the pretensions of the pope, the clergy, and the canon law.

Final struggle of the Empire.

All this, however, was insufficient to satisfy the claims of the hierarchy, which was bent upon maintaining the union of the political with the spiritual supremacy. Frederick had only the alternative of becoming its obedient instrument or of renewing the old conflict. His lofty and aspiring scheme, to complete the system of his rule by the subjugation of Upper Italy, soon brought him into conflict with Rome as well as with the Lombard cities; and in this struggle, which ended only with his life, was unfolded his highly-gifted but contradictory nature. Whilst exerting his best efforts in Sicily to the organisation of the kingdom, he sought to gain the warlike powers of

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[1] Promissio Innocenti III. Pertz, Leges II. p. 224. Promissio Honorio III. Confœderatio cum principibus ecclesiasticis, p. 236.

Germany by continually making new concessions to the independence of the princes. Himself a crusader, not only did he grant complete toleration to the Saracens in his empire, but he leaned on their support. An excommunicate, and personally a free-thinker, he persecuted heretics without mercy, and recognised the undivided jurisdiction of the Church over the clergy. Cruel and a voluptuary, he contended nevertheless for the highest interests of the Church. In the middle ages, he appears in the light of a modern statesman, who meets the papacy with appeals to public opinion. by attacking unsparingly, in his manifestoes and controversial writings, its crimes and iniquities. In this great and final struggle there were vicissitudes, indeed, and alternations of victory; and more than once it seemed that the Emperor would prove the conqueror. The causes of his ultimate defeat were twofold. He might vanquish the pope personally: he could never crush the system on which the Mediæval Church was based, and which refused all compromise with the claims of the secular power to independence. However bad the times might be, the Curia had never bated in principle one jot from its pretensions; and no sooner was the stress of adverse circumstances removed, than it rose again and resumed those pretensions with marvellous elasticity. The second reason of Frederick's failure was this, that he appreciated, still less than Frederick I., the power of those national and constitutional forces, which—as the example of England proves—alone were able to oppose the cosmopolitan power of Rome. Instead of fortifying German royalty, he freely gave away what remained of the substantial rights of the Crown, in order to secure the assistance of the princes in his Italian struggle. The whole fate of Imperialism depended on keeping the pope in subjection, both at Rome and in Italy. Having staked all upon this issue, the imperial power broke down in Germany, as soon as it was worsted in Italy. Frederick II. was not only the last king of Jerusalem, but also the last emperor, in the mediæval sense of the word; and with his death the imperial power in Italy was doomed. His sons in vain attempted to assert their power in Southern Italy, and with his grandson Conradin ends the great drama of the contest between Empire and Papacy. When Rudolph of Hapsburg put an end to the anarchy of the Great Interregnum, the strength of imperialism, as he founded it, was purely dynastic. Throughout the body of the empire the sovereignty of the spiritual and temporal princes was firmly established, and the feudal obligations of the former, for their ecclesiastical domains, were reduced once more to the duties of a vassal to his lord.

Episcopal election.

With regard to the election of bishops, the empire exercised as yet scarcely any appreciable influence. Frederick I. had already favoured so far the freedom of capitular election as to allow the old form of investiture by the sceptre to fall almost entirely into abeyance. But although the German episcopate then strove quite as much for independence of the pope as of the emperor, in course of time the freedom of election and autonomy of the Church became merely a handle for the Roman See to interfere in every contested election, to fill vacant churches by papal provision, to establish numerous rights of reservation, and thus to convert the occupation of ecclesiastical offices into a lucrative source of revenue. In this manner were established the same relations which Henry III. and Gregory VII. had so strenuously opposed—with this difference only, that the Curia drew the identical revenues which it had branded as simony, so long as they were in the hands of the empire.

Boniface VIII., 1294-1303.

In Boniface VIII., for the last time, we see the papacy on the pinnacle to which Innocent had raised it. This pontiff advanced the theory of his great predecessor to its highest pitch. In his famous Bull 'Unam Sanctam Ecclesiam,' of November 18, 1302, he declares that the Church can only have one head, not two, like a monster. Having afterwards, by a truly incredible perversion of the passage in St. Luke, 'They (the Apostles) said, Lord, behold, here are two swords,' interpreted from the Bible the mediæval theory of the two swords, he explains that the spiritual sword of Peter, which the Church herself wields, included also the temporal sword, which the king wielded *for* her, but by the licence and the will of the pope (*ad nutum et patientiam sacerdotis*). 'He, therefore, who resists this power, thus instituted by God, resists the ordinance of God; and we declare that every human creature, at the peril of his eternal salvation, must be subject to the Roman pontiff.'[1] Starting with these principles, he could well exclaim to the crowd of pilgrims at the great Jubilee of 1300, seated upon his papal throne, and girt with the sword and adorned with the tiara, 'Am I not the High Priest? Is not this the chair of St. Peter? Can I not protect the rights of the empire? I am Cæsar: I am emperor.'

Retrospect of the papal system.

If now, from this last pinnacle of the mediæval hierarchy, we cast a retrospective glance upon its construction and completion, it is impossible, with an unbiassed survey, to misapprehend it. As the Church, viewed simply as a visible, firmly-compacted edifice, was strong enough to resist unshaken the storms which followed the great migration of the nations, so the youthful and vigorous, but undeveloped races of the West, while still deeply sunk in heathenism, needed for their education a strong ecclesiastical organisation, with an immutable judicial procedure, a system of worship which impressed the senses, and a strict code of discipline which naturally strove after a monarchical head as the supreme authority. It must also be acknowledged that the system which Gregory and Innocent realised is, perhaps, the grandest phenomenon in the whole history of the world. The empire of ancient Rome rested upon the forcible subjugation of nations by the sword: that of modern Rome upon the weapons of spiritual warfare. Undoubtedly, the papacy scrupled not to employ for its rule all and even the worst instruments of temporal power; but it had not these weapons at its own command. The power which set them in motion was purely spiritual, resting solely upon the consent of the people and princes. That this consent was given was due no doubt to superstition and ignorance; but even these are also spiritual weapons. Interdicts, excommunications, Inquisition, indulgences, crusades, coronations and depositions were powerful instruments in the hands of the popes, simply and solely because the people believed in their absolute power to use them—believed that they possessed, not only for this world, but for that to come, the power to bind and to loose. But in the nature of these weapons lay also the reason why the institution which depended upon their aid could not endure. They presented an irreconcilable contrast and contradiction to the real character of the Christian faith. Christianity had entered the world as a spiritual power, and had won its way simply with the weapons of the spirit and of martyrdom. It will lead the world, as has been strikingly said, to the obedience of the faith, not to the faith of obedience. And this was the fundamental error of the hierarchy, that it sought to enforce faith in the ideal, as an external law. Thence it naturally advanced to the proposition, that adherence to the external and definitely constituted

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[1] Porro subesse Romano pontifici omnem humanam creaturam declaramus, dicimus, definimus et pronunciamus omnino esse de necessitate salutis.

Church, and obedience to her alone, is the condition of salvation; that she is holy, not merely because she contains the saving power of sanctification, but as forming by herself an institution which is the exclusive depository of those objective and miraculous means of grace, the sacraments, the participation in which guarantees salvation to the individual, wholly irrespective of his personal position towards God. Thence the indissoluble union of doctrine and constitution which gives to the Catholic Church, as an earthly institution, her stability and compactness; but thence also the impossibility of her reform, so long as that very fundamental principle of the whole organism is so tenaciously adhered to. Since the Roman Church, which had succeeded in establishing, with all the resources and appliances of State wisdom, the primacy of the Pope, in whom her power culminated, usurped to herself that which is promised only to the consummation of the kingdom of God; all further inferences from that usurpation were bound of necessity to follow. If the Pope was really the representative of Christ on earth, then his power must be superior to all temporal powers. He was the natural feudal lord over all princes, and could claim not only the final decision in disputes, but the functions of supreme government. But with these last consequences the contradiction of the papacy to the genuine essence of Christianity is pushed to the uttermost. A second world is planted amid the realities of earthly life, of the times and of nations, which dominates and pretends to animate men with religious life, but which, in its essence, is altogether earthly, which strives only after power and dominion, exhausts itself in questions of law and precedence, and differs only so far from the temporal power, that it employs the religious ideas implanted by Christianity to found a pretended visible kingdom of God. With perfect coherence of logic is this system of dogma developed: with marvellous art are the institutions of this organism, which supports that system, completed. The hierarchy, which mediates salvation on earth, is subdivided into ranks and orders, from the priest to the pope, corresponding to the heavenly hierarchy of the saints, martyrs, patriarchs, prophets and apostles, which culminates in the Mother of God. But this Church stands in glaring opposition to the Church of the Apostles. What has she in common with that society, whose Founder said, 'My kingdom is not of this world'? What has the head of this kingdom, who asserts that God has entrusted him with the dominion of the whole earth, in common with Him, whose vicegerent he asserts to be, and who could say of Himself, 'The foxes have holes, and the birds of the air have nests, but the Son of man hath not where to lay his head'?

This contradiction was bound to assert its importance when the papal system had grown to a complete reality. Immediately thereupon began the decline; and its further history affords another proof that the universal monarchy, spiritual no less than temporal, forms only a stage of transition, and can never become the permanent condition of mankind.

CHAPTER X.

DECLINE OF THE MEDIÆVAL CHURCH.

Rise of Independent Nationalities—The Anglo-Saxon Church—Her National Character as an Establishment—Changes at the Norman Conquest—Separation of Civil and Ecclesiastical Jurisdiction — Constitutions of Clarendon—Magna Charta—Resistance to Papal Usurpations in England —in Sicily—in Upper Italy—in France—Pragmatic Sanction of Louis IX. —Systematic Exactions of the Papacy—Contest of Philip the Fair with Boniface VIII.—and of Louis of Bavaria with John XXII.—Electoral Union of Rense — Anti-papal writers — Dante — William of Ockham—Marsilius of Padua—Suppression of the Templars—Removal of Papal Court to Avignon—Schism in the Papacy—Council of Constance —Martin V.—Council of Basle—Church Councils and the Papacy—National Concordats—German Pragmatic Sanction—Concordat of Vienna —French Pragmatic Sanction of Bourges—Church Reform in Spain—Concordat of 1482—Efforts at Religious Revival—The Mystics—Precursors of the Reformation—Wicliffe—Huss—Savonarola—Degradation of the Papacy—Spiritual Decline of the Church—The way prepared for the Reformation.

THE history of those nations which stand forth as the bearers of civilisation is determined by two opposite ideas —the right of each separately organised people to form an independent whole, and the endeavour to reduce this plurality of forms to a higher unity of design. The mode, however, in which this latter object could be permanently attained—namely by a family of independent states, protected by a gradually perfected system of international law—was unknown alike to antiquity and to the middle ages. Antiquity understood only to effect the unity of several states by the subjection of all to one : the middle ages sought for unity in the united supremacy of Empire and Papacy. This duality involved the necessity of reciprocal hostility. The defeat of Frederick II. decided the triumph of the pope ; the attempts of Henry VII.

to revive the Ghibelline policy were a futile anachronism, and resulted in utter failure. The papacy, on the other hand, by endeavouring to extend its power without limit or restraint, provoked once more the counter-assertion, in a novel and more successful form, of that principle of civil independence which had been crushed in the Hohenstaufen. On the ruins of the fallen empire arose the newly independent nationalities. As early as the thirteenth century the life of the middle ages had overpassed its zenith. Under the shadow of the great powers, in which its salient features had been represented, that process of political chemistry had been gradually completed by which Anglo-Saxons and Normans were fused into Englishmen; Franks, Celts, and Latins into Frenchmen; Visigoths and Latins into Spaniards. On the foundation of these self-asserting nationalities, and supported by the ambition of the middle classes, now emerging into power, as well as by the free-born spirit of learning and enquiry, was built the independence of those states, which first emancipated themselves from the empire, and then strove to maintain their civil freedom against the spiritual supremacy of Rome. While the popes, however, combated this legitimate ambition, as a rebellion against divinely-ordained authority, their opposition served only to strengthen the resistance, until the latter erelong went beyond the mere attitude of defence against papal encroachments, and ended by imperilling the political sovereignty of the Church.

Rise of independent nationalities.

The Anglo-Saxon Church.

This happened first in England, whose Church from the beginning reflected the peculiar character of the nation. The Anglo-Saxon conquest had swept away the whole fabric of British-Roman civilisation, and had founded a purely Germanic rule. One by one the kingdoms of the Heptarchy became converted by different missions, and accepted Christianity through decrees of the king and his Witana-gemót. Here, therefore, were entirely wanting those peculiar relations which were formed on the Continent by the fusion of the Germans with a provincial population of Latin Christians. The Anglo-Saxon Church remained, in consequence, more free than any other from the imposition of foreign regulations, and developed herself in accordance with her peculiar requirements. Whereas the bishoprics at first had coincided generally with the different kingdoms—the conversion of a king having usually been followed by the establishment of a see—there appeared already at an early period, and while those kingdoms still enjoyed a separate existence, a central organisation of the Church, inasmuch as, before the close of the seventh century, England was divided into sixteen bishoprics, under Theodore, archbishop of Canterbury.[1] A.D. 668,

The Church therefore prepared the way for the unity of the nation. The Anglo-Saxons became for the first time conscious of that unity as fellow-Christians; and the subsequent foundation of the monarchy reacted only so far upon the constitution of the now established Church, as gradually to remedy the anomalies in the formation of diocesan districts. Accordingly, the establishment of parish churches, whether by missionary prelates, or, as was usually the case, by private landowners, corresponded with the requirements of the secular community; the parish itself is the ancient town-

prepares the unity of the nation, A.D. 925.

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[1] 'Isque primus erat in archiepiscopis, cui omnis Anglorum ecclesia manus dare consentiret' (Beda, *H. E.* iv. 2.) York, after having received an archbishop in the person of Paulinus, remained for nearly a century after his death under a bishop only, and in spite of the struggle of Wilfrith for the primacy, never succeeded in obtaining the dignity of its rival metropolitan see. The intention of Gregory, which was frustrated by political events, had been to appoint two metropolitans, each with twelve suffragan bishops: one at London, the other at York. Kemble's 'Saxons in England,' ii. 359.

ship regarded ecclesiastically. The first missionary bishops were replaced by Saxons of noble birth, thus associating the Church with the State through the medium of the national aristocracy. The ecclesiastical body belonged, with few exceptions, to native families, and were drawn from all classes of society; and as the greater part of the secular clergy were married, the Church preserved the closest connection with the laity of the nation. Tithes were levied, as on the Continent, for the support of the clergy and the poor; and their payment, first encouraged as voluntary offerings, then demanded as compulsory, by the Church, was finally imposed as a legal right by the State.[1] In addition to this, every parish church was endowed with a hide of land (*mansus ecclesiasticus*), which was exempt from public burdens.[2] All other Church property, increased continually by donations and charitable foundations, was subject, on the contrary, to the same dues, and enjoyed the same rights, as that of the laity. The parish priests were members of the parochial assembly; the bishop and the ealdorman, or duke, presided jointly at the shiremote, or county court; the prelates, nominated by the king, with or without his council,[1] sat with the secular thanes at the Witana-gemót. The Church law of the Anglo-Saxons was essentially a national law.[2] The decrees of the synods, which wisely refrained from interference in secular affairs, were subject to the approbation of the king, and whenever they involved changes in the external regulations of the Church, or concerned the rights of the laity, to that of the Witana-gemót also. The bishops exercised disciplinary powers over the laity, and decided in matters affecting the internal government of the Church; but beyond this, the clergy remained subject to the temporal administration and jurisdiction, and, in their disputes with laymen, had to sue for their rights at the ordinary civil tribunals. In this manner the living consciousness of common interests and common rights was preserved among all subjects, lay and ecclesiastical, by a social as well as a national bond of union. This national organisation of the Anglo-Saxon Church, which was manifested farther by the preservation of the national language in the liturgy and prayers, allowed the Roman See to obtain but small influence in England. Her relations towards Rome, intimate as they were,[3] were rather those of piety and affection than of dependence *de jure* on a higher authority; and when Boniface, himself an Englishman, and the champion of papal traditions, complained that no Church lay in more abject bondage than the English, his lament was only a testimony to her national character as well as the vigour of the State.[1]

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[1] The earliest introduction of tithes is unknown, but the custom undoubtedly preceded, and probably facilitated the enactment of the legal right. In England, their payment, which had been urged by Augustine (Wilkins, 'Conc.' i. 107), was enjoined by the clergy at the Council of Calcuith in 787. Offa's grant in 794 to the Mercians, and Œthelwulf's charter of 855, extended to the whole kingdom, have been cited as the legal origin of tithing, but recent authorities reject both hypotheses. Kemble quotes, as the first legislative enactment on the subject, a law of Athelstan in the early part of the tenth century. ('Saxons in England,' ii. 480.) On the Continent, the provincial Synod of Tours (567) and the Council of Macon (585) enjoined payment of tithes; but the ecclesiastical injunction does not appear to have been confirmed by law until the Capitulary of Charlemagne in 779.

[2] This immunity is questioned by Kemble (*ibid.*, ii. 436). A capitulary of Louis in 816 enacts (cap. 10) 'ut unicuique ecclesiæ unus mansus integer absque ullo servitio attribuatur.' Montag's 'Gesch. d. deutsch. staatsbürg. Freiheit.'

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[1] Some uncertainty prevails on this point. Dunstan was made archbishop in 959, 'consilio sapientum.' ('Flor. Wig.' ii. 222.) But the appointment of so many royal chaplains to bishoprics is certainly, as Kemble remarks, significant.

[2] Lappenberg (ed. Thorpe, i. 200) ascribes the great number of Anglo-Saxon eclesiastical laws to the slight regard paid to the papal canons.

[3] A foreign writer of the ninth century speaks of the English as 'maxime familiares apostolicæ sedis.' 'Gest. Abb. Fontanellens.' Pertz. ii. 289.

Changes at the Norman Conquest.

All this, beyond doubt, was essentially changed at the Norman Conquest. By the aid and support of the papal court, which was friendly to his cause, William obtained the English throne. He immediately demanded the submission of the clergy, and, to secure that object, made extensive concessions to Rome. The lavish endowments of the Church were not only maintained but enlarged. The payment of Peter's pence, which Gregory VII. complained had been suffered to fall into arrear, was sanctioned by the Crown; the Roman liturgy was adopted; and the celibacy of the clergy, though not actually practised till the twelfth century, was enjoined.

Separation of civil and ecclesiastical jurisdiction.

But it was mainly in the customary province of the canon law that the ecclesiastical jurisdiction was separated, externally speaking, from that of the secular tribunals, the execution of its judgments being assigned to the sheriffs, as functionaries of the Crown. No cause relating to the government or discipline of the Church was to be brought before the civil magistrate, and laymen were forbidden to intermeddle with episcopal jurisdiction.[2] Lastly, when the excitement of victory had subsided, the Conqueror ordered a restitution of the lands of bishoprics and abbeys which had been seized by his Norman followers.

Resistance to hierarchical aggression.

But although William made all these concessions to purchase the support of Rome, he was far too clear-sighted a statesman to allow a second sovereign power to rule in his kingdom uncontrolled. Not only did he refuse the homage demanded by Gregory, on the grounds that he had made no promise of that kind, and that no such oath had been taken by any of his predecessors,[1] but he secured for himself the nomination of bishops and abbots,[2] and made the royal placet the condition of validity for all resolutions of councils or papal decrees. No pope could be recognised, no vassal of the Crown could be excommunicated—no bishop could leave the kingdom without a warrant from the king. All appeals to Rome were forbidden, even for *causæ majores.* The lands of the bishoprics and great abbeys, which had formerly been exempt from all burdens due to the Crown, were registered in a court-roll and put under the tenure of knights-service. The entire landed property of the Church remained subject to military service and taxation.

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[1] Wilkins, 'Conc.' i. p. 93.

[2] Ut nullus episcopus vel archidiaconus de legibus episcopalibus amplius in Hundret placita teneant, nec causam, quæ ad regimen animarum pertinet, ad judicium sæcularium hominum adducant. Wilkins, 'Leges Anglo-Saxon,' 230.

These rights of the Crown as against the clergy were stoutly maintained in their essential points by his successors. Henry I. extorted from Paschal II. the promise never to send a papal legate to England without a warrant from the king. Henry II., it is true, willingly allowed himself to be authorised by the pope to conquer Ireland; but when the Archbishop of Canterbury, Thomas à Becket, attempted to introduce his ideas of hierarchical independence and irresponsibility into England, he summoned the great vassals of the Crown and the prelates to the famous Council of Clarendon, which established, in sixteen Articles, the rights of the Crown in relation to the Church. Those Constitutions reaffirmed the submission of the clergy and of their property to the jurisdiction of the Crown and

Constitutions of Clarendon, 1164.

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[1] Fidelitatem facere nolui, nec volo, quia nec ego promisi, nec antecessores meos antecessoribus tuis id fecisse comperio. Lanfranc, Opp. Ep. x. in Stubb's 'Const. Hist.' i. 285.

[2] William soon found that the influence of the episcopate was so powerful that he thought it necessary to remove a number of the native bishops and abbots, and replace them by his Norman adherents.

to all incidents of feudality, and subjected all clerical offenders once more to the punishment of the secular arm.[1]

The rights of the Crown in respect of appointments to vacant bishoprics and abbeys, which had become doubtful under William II. and Henry I., were so far determined that the revenues of unoccupied sees were to go to the royal exchequer, as if they were the demesne lands of the Crown. The election by the chapter was to take place with the consent of the king, and by the advice of his deputies, and the person elected was to take an oath of homage and fealty, before consecration, to the king, as his liege lord and suzerain. Finally, the Crown retained, through the archbishop, its supreme appellate jurisdiction, on English ground, in all ecclesiastical causes, and no appeal to Rome was allowed without special permission.[2]

With King John, however, came a change. Hitherto, Crown and barons had held together in resistance to the encroachments of Rome; but John's arbitrary rule provoked the opposition not only of the Vatican but of the country. The pope pronounced his deposition,[3] and the miserable king, to avoid being forced to yield to his barons, humbled himself before Rome, and did homage as a vassal to the papal legate (May 15, 1213) for the crowns of England and Ireland.[1] But this shameful surrender served only to exasperate the English barons, whose opposition, encouraged and aided by Stephen Langton, archbishop of Canterbury, the personal friend and nominee of Innocent III., broke out into open hostility. The result of this contest was the glorious Magna Charta, the foundation of the English Constitution. As regarded the Church, this instrument confirmed the long-disputed freedom of capitular election, subject to the condition that every time previous to the election the permission of the king, and, after it, his ratification should be obtained, neither of which, however, were to be refused without well-grounded cause. The prelates remained bound to apply for investiture in their lands and territorial rights, and to take the oath of allegiance demanded from secular vassals to the king. It can easily be understood that Innocent denounced the Magna Charta as a 'low, ill-favoured, and disgraceful compact,'[2] the authors of which

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[1] Art. xi. Archiepiscopi, episcopi, et universæ personæ regni, qui de rege tenent in capite, habent possessiones suas de domino rege sicut baroniam, et inde respondent justiciariis et ministris regis, et sequuntur et faciunt omnes rectitudines et consuetudines regias, et, sicut barones cæteri, debent interesse judiciis curiæ domini regis cum baronibus, usque perveniatur in judicio, ad diminutionem membrorum vel mortem.' Cottonian MS. in 'Lyttleton's Hist. of Hen. II.' App. to B. iii. No. 2.

[2] This point the king was ultimately compelled to abandon in 1174, and to permit *bonâ fide* appeals to the Roman See.

[3] 1212. Papa sententialiter definivit, ut Rex Anglorum Joannes a solio regni deponeretur, et alius, Papâ procurante, succederet, qui dignior haberetur. Ad hujus quoque sententiæ executionem scripsit Dominus Papa potentissimo regi Francorum, quatenus in remissionem omnium suorum peccaminum hunc laborem assumeret. 'Matth. Paris,' ed. 1874, ii. p. 536.

Magna Charta, June 19, 1215.

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[1] 'The legate of the pope hath been with me,
And I have made a happy peace with him.
Bast. . . . . . O inglorious league!'
Shakspeare, *King John*, v. 1.

[2] In his Bull, dated Anagni, August 4, 1215, Innocent ascribes the revolt of the barons, after John's reconciliation with the Church, to the machinations of the enemy of mankind. 'Humani generis inimicus, qui semper consuerit bonis actibus invidere suis callidis artibus, adversus eum barones Angliæ concitavit, ita, ut ordine perverso, in illum insurgant postquam conversus ecclesiæ satisfecerit, qui assistebat eidem quando ecclesiam offendebat . . . . Unde compulsus est per vim et metum, compositionem inire cum ipsis, non solum vilem et turpem, sed etiam illicitam et iniquam, in nimiam diminutionem et derogationem sui juris pariter et honoris. Quia vero nobis a Domino dictum est in Prophetâ, "Constitui te super gentes et regna, ut evellas et destruas, ut ædifices et plantes;" itemque per alium, "Dissolve colligationes impietatis, solve fasciculos deprimentes;" nos, tantæ malignitatis audaciam

were worse than the Saracens; for the Great Charta breathes throughout a spirit of defiance to Rome; and in the circle of those English barons at Runnymede were first pronounced those memorable words, which acquired such significance throughout the whole later history of the nation—'Non pertinet ad papam ordinatio rerum laicarum.' Although John, as well as his successor, Henry III., consented to be absolved by Rome from the oaths with which they had solemnly ratified the Magna Charta,[1] the barons stoutly maintained their newly-won liberties against the league of the king and the pope—a league which they declared would grind England as between two millstones—and at the Parliament of Merton (January 1266) they answered the attempt of the bishops to introduce a proposition of canon law upon the civil province with the proud words, 'Nolumus leges Angliæ mutari.' The judges of the king's courts, hitherto ecclesiastics, were replaced by common lawyers, whose restrictions on the abuse of spiritual jurisdiction were confirmed under Edward I. by the statute 'Circumspecte agatis.' An effectual check was placed, in the same reign, upon the making over of lands to religious persons or societies, by the passing of what is commonly known as the first statute

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dissimulare nolentes, compositionem hujusmodi reprobamus penitus et damnamus, sub intimatione anathematis prohibentes, ne dictus Rex eam observare præsumat, aut barones cum complicibus suis ipsam exigant observari; tam cartam, quam obligationes seu cautiones, quæcumque pro ipsâ vel de ipsâ sunt factæ, irritantes penitus et cassantes.' 'Rymer,' i. p. 135, ed. 1816.

[1] Alexander IV., Henrico III., regi Angliæ (April 13, 1261), absolving him of 'quædam statuta, ordinationes, et colligationes, quæ ipsi (*sc.* magnates), sub prætextu reformandi statum ejusdem regni, tuo nomine fecisse dicuntur ('Rymer,' i. p. 405), and ordering the Archbishop of Canterbury, and the bishops of Norwich and Ely, to absolve each other and the nobles, 'cum juramenti religio—quâ fides confirmari debet et veritas—fieri non debeat pravitatis et perfidiæ firmamentum.' (*Ibid.* p. 406.)

of Mortmain;[1] and a later Act prohibited the payment of any money by the clergy to their superiors beyond the sea. Penal laws were enacted under Edward III. against provisors, forbidding the Court of Rome to present to any bishopric or benefice in England. The donation of King John was solemnly repudiated by Parliament; and finally the statutes of Præmunire, in a series of enactments, protested against the aggressions of the Church.

The papacy opposed in Sicily,

In a similar manner, the Norman-Sicilian princes, while holding their land in fief from the pope, endeavoured to acquire a relation of independence, by turning to their purpose, as neighbours, the embarrassments of the papal court, and especially the disputed elections of pontiffs, in order to extort concessions to themselves. Urban II. and Paschal II. promised the Counts Robert and Roger to appoint no permanent legates in Sicily, and to allow only a legate *a latere* to act under their permission and with their agreement. The bishops received their sees as regalia from the king. They assisted at the coronation at Palermo of Manfred (1298), who had been excommunicated by Urban IV.; and in defiance of excommunication and interdict, ranged themselves on the side of the kings in the contests of the Aragon dynasty.

in Upper Italy,

The Republic of Venice adhered from the first, with great firmness and energy, to the rights of the temporal power towards the Church. This was all the easier to do, because the relations of that Republic were not complicated, like those of feudal States, by the possession of landed property by the clergy. The latter were salaried by the State: they were chosen by the people and their fellow-ecclesiastics, and the choice was confirmed by the Government. In like manner, Genoa and the other cities of Upper Italy were enabled to defend their civil rights.

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[1] 7 Edw. I., A.D. 1279.

Not so early and definitely, but still by gradual degrees, the royal power in France also acquired a position of greater independence towards the Church. For a long period the real limits of territorial power enjoyed by the house of Capet extended but little beyond Isle de France and Orléannais. The great vassals of Aquitaine, Champagne, Flanders, Normandy, Bretagne, and Toulouse were more independent of the French crown than the dukes of Bavaria or Saxony were of the German; and, moreover, a considerable number of these important fiefs were in the hands of the kings of England. In order, therefore, on the one side, to bend the great barons under the power of a real State, and, on the other, to emancipate themselves from the supremacy of the empire, the kings had sought, first of all, to conciliate by concessions the friendship of the Church—an attempt which was feasible, inasmuch as they aspired only to national sovereignty, and did not pretend to a supremacy over the whole of Christendom like the emperors, whose pretensions ended, as was inevitable, in a conflict with those of the papacy. No sooner, however, had the monarchy firmly established its power at home, than it strove further to secure its independence of Rome; and it was Louis IX., the saint and Crusader, a humble and devout Catholic, the peaceful prince of the middle ages, who first succeeded in rejecting with triumph the papal pretensions, and gave to the Church of France, in opposition to Rome, a firm and durable basis of law, by the Pragmatic Sanction of 1269. This edict provided, firstly, that the prelates, patrons, and ordinary collators to benefices in France should have full enjoyment of their rights and jurisdiction; secondly, that the cathedral and other churches of the realm should exercise their rights of election, freely of the papal see, but subject to the *congé d'élire* of the king; thirdly, that all simoniacal practices should be

in France.

Pragmatic Sanction of Louis IX., 1269.

abolished; fourthly, that all promotions, collations, provisions, and dispositions of the prelacies, dignities, benefices, and whatsoever of the ecclesiastical offices should be regulated according to the ordinances of the common law, the Councils of the Church, and the ancient institutions of the Holy See; and fifthly, that no payment or assessment of money to the pope should be levied in France, unless the cause be reasonable, pious, most urgent, of unavoidable necessity, and recognised by the express consent of the king and of the Gallican Church.[1] It is plain that these provisions amply sufficed to preserve the customary feudal rights of the Crown, according to which every dignitary of the Church was bound, within a fixed time and before his consecration, to apply for investiture in his estates and royalties by the king, and afterwards to take the oath of allegiance (*homagium ligii*). This famous edict, the starting-point of those relations of independence which henceforth France maintained towards the papacy, was in no way dictated by a spirit of hostility to the Church. Louis IX., on the contrary, was conspicuous for his devotion to the papacy, and it is not unlikely that this fact accounts for the absence of any counter-protestation, at the time, from Rome. Although the Pragmatic Sanction was published on the day before his departure for the Crusade, it was intended simply as a precautionary measure of defence, to be employed, in case of need, against the 'intolerable exactions of the Court of Rome'—so runs the language of the edict—'by which our realm has been miserably impoverished.'

Papal exactions during the Crusades.

To suck the resources of different countries had become, in fact, at this time a principal object of the papal policy. The payment of Peter's-pence had originally been rather a symbolical act of subjection on the part of the countries under the ecclesiastical supremacy of Rome than an appreciable and permanent source of revenue. This was changed, however, during the Crusades. As every war requires money, so with every exhortation to take the cross, fresh pecuniary demands were made, and to those who contributed to the expenses of the Crusade absolution was granted in the same manner as to those who joined it in person. But, besides this, a large number of Crusaders were compelled, for the sake of raising funds for their enterprise, to pledge, mortgage, or otherwise alienate their possessions; and this was principally done to dignitaries of the Church, as the largest holders of money. Thus Godfrey of Bouillon sold part of his estates to the Church of Verdun, and mortgaged another portion to the Bishop of Liège.[1] While now the impoverishment of the feudal nobles, thus accomplished by the Crusades, made it easier for the Crown to bend them to its authority, the Church continued to enrich herself; and it can easily be inferred that, by this process, the pope himself, who directed the whole movement, did not come off empty-handed. But the age of the Crusades passed by; and the most fiery exhortations for new enterprises of that kind remained unheeded and ineffectual. The Latin empire at Constantinople collapsed, and with it fell the papal domination, which had been restored by Innocent, over the Eastern Church. The later attempts to effect a union with the Greeks remained without any practical result. Palestine and Syria were also lost, and in 1291, Acco, the last stronghold of the Christians, was taken possession of by the Egyptian forces.

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[1] 'Ordonnances des Rois,' ed. 1723, vol. i. p. 97.

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[1] A further source of clerical wealth accrued from contracts with the smaller lay-proprietors, who, to escape the burdens incident on their position, adopted the expedient of holding their lands in copyhold from the clergy. Montag's 'Gesch. der deutschen Staatsbürgerl. Freiheit,' ii. 655 *sqq*.

On the other hand, the close of the struggle between Empire and Papacy deprived the latter of an important weapon of contention. So long as the principal efforts of the empire were directed against the pretensions of Rome, the pope was able to count on the support of other states which had an independent interest in the non-exercise of the imperial power in Italy. But when the empire expressly renounced this claim ; when Rudolph of Hapsburg, although still asserting in form the right of the emperor to confirm the election of the pope, solemnly promised, through his ambassadors, at the ratification of his own election as king of the Romans, to confirm all the donations of his imperial predecessors to the papal see, to accept no office or dignity in papal territories without the pope's consent, and not to disturb nor permit the House of Anjou to be disturbed in the possession of Naples and Sicily, which they held as fiefs from the Roman see, then, with the object of the conflict, the possibility was also removed of setting in motion the former engines of power.

Nevertheless, the pope did not remain sole master of the position in Italy. He had the Lombard republics and Naples for his neighbours ; he had come to an understanding with the Romans themselves respecting the government of the ecclesiastical State. He could not, as supreme head of the Church, summon the nations of Christendom against these powers at home. On the contrary, he could only occupy towards them the relations of a temporal prince ; and to further his objects in this direction he required the same instruments as all other governments, namely, an army and finances. Hence we find the whole policy of the popes at this period directed to the obtaining of money, and this could only be done by fleecing nations in every possible way by the *pallium* money,[1] by indulgences, and dispensations, and by the constant extension and abuse of their jurisdiction in cases of first resort. Nowhere, however, does their policy of rapacity appear more shameless than in their conduct with regard to the election of bishops. Notwithstanding that they themselves but a short time before had used every endeavour to withdraw all episcopal appointments from secular influence by asserting the absolute freedom of capitular election, they now not only claimed for themselves the exclusive right of disposing of all vacant dignities in the Church, but announced their readiness to exercise this assumed right in every case, on consideration of payment, in conformity with the wishes of the secular princes.

This systematic rapacity of the Court of Rome reached its climax under Boniface VIII. But even he, the very pontiff who stretched to its utmost the theory of papal omnipotence, in matters temporal as well as spiritual, by his bull *Unam Sanctam*, was doomed to suffer the most galling discomfiture at the hands of a successor of Louis IX., who had been the first to resist the exactions of the papacy. While Louis, however, had been nurtured in the ideas of mediæval Christianity, in Philip the Fair the independence of the Crown was the one paramount consideration. For his war against England he had imposed a heavy tax on the ecclesiastical order. Boniface, smarting under some previous grievances, issued his bull *Clericis laicos*, forbidding the clergy of every kingdom, under penalty of excommunication, to pay tribute to the

Contest between Philip the Fair and Boniface VIII.

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[1] Innocent III., at the Lateran Council of 1215, made the 'pall' necessary for episcopal or archiepiscopal office, and even for the translation of an archbishop from one see to another. Every archbishop was to be buried in his pall, and his successor had to apply to the pope for another.

government without his leave. Philip retaliated by a prohibition to export money from the realm, thus depriving the pope of all revenues from France. The imprisonment of the papal nuncio by Philip, on the charge of treasonable language, brought about a violent quarrel, which ended in Boniface being insulted to his face by an envoy of the king, arrested at Anagnia, and dying, after his release, of a fever, brought on by rage and excitement.[1] The conduct of Philip throughout this dispute met with the full concurrence of his subjects, the expression of which he took care to elicit by convoking for the first time the States-General. Parliament, Sorbonne, episcopate, and clergy, as well as the third estate, sided with the king in maintaining the Pragmatic Sanction of 1269. It was solemnly declared to be a fundamental principle of the French law, that in temporal matters the kings of France should recognise no superior on earth; and the bull in which Boniface, taking his stand on the false decretals of Isidore, set forth his pretensions, was publicly burned at Paris in the presence of the king. Jan. 26, 1302.

Dispute of Louis of Bavaria with John XXII.

Next followed the Germans. With them, indeed, the progress of events had been such as to prevent the growth of a vigorous royal power; and John XXII. took advantage of the double election to the empire, which had occurred after the death of Henry VII., to issue a bull (March 31, 1317) commanding, of his own absolute power, the two rival candidates, Louis of Bavaria and Frederick of Austria, each of whom had notified his election to the pope, to lay aside their differences and declare that on the vacancy of the empire all jurisdiction, rule, and administration therein devolved upon the Roman pontiff, to whom, in the person of St. Peter, God himself had committed the rights of earthly as of spiritual empire.[1] At the same time, regardless of the German rights of sovereignty in Italian territory belonging to the empire, he nominated his favourite, King Robert of Naples, as vicar of Italy during the abeyance of the imperial crown. Sept. 28, 1322. But the decisive victory of Louis at Mühldorf, and the capture of his competitor, procured for the conqueror freedom of action and universal recognition in the empire. On the 8th of October, 1323, John XXII. instituted the first of his so-called 'Processes' against Louis. Having hitherto confined the papal claims to a vacancy of the empire, he now proceeded to invade directly the rights of imperialism, admonishing Louis, under pain of excommunication, to abdicate within three months, and forbidding his subjects to acknowledge or obey him. Louis registered a formal protest (December 16, 1323) against this proceeding, as a perversion of the Divine ordinance of the two lights,[2] inasmuch as the pope sought to usurp one of them, the temporal power, for himself. In one of the appeals, nailed shortly afterwards to the door of the cathedral at Frankfort, Louis acknowledged himself a true son of the Church, but refuted, both from Roman and canon law, the proposition that the imperial dignity was instituted by the pope, who, on the contrary, as he asserted, had no jurisdiction or authority in matters temporal. In another instrument it was proved that the emperor had simply to notify his election to the pope, who was thereupon obliged to perform the ceremony of anointing, unless the candidate in question was notoriously unworthy. In case of unjustifiable refusal, the consecration could be performed by another Catholic, for it was intended only as a symbol of the protection of the Church by the Empire; such alone being the meaning of the oath which the emperor took to the pope. The latter might punish the emperor for his spiritual transgressions, and he was also his ecclesiastical superior; but he could not exercise any temporal power. John replied to this by a sentence of excommunication until Louis should formally tender his obedience; but in the contest which ensued the nation more and more decidedly supported the cause of the emperor; and finally the German electors, in their assembly at Rense, near Coblentz, proclaimed their resolution to guard and defend against all assailants the rights of the empire thus seriously impugned, and especially their own privilege of electing its supreme head. 'By the advice and with the consent of the electors and estates of the empire'—so ran the manifesto—'we declare that the imperial dignity is derived immediately from God alone; that he only who is chosen by all, or by the majority, of the electors becomes at once and by virtue of his election both king and emperor, and therefore does not require the approbation and sanction of the apostolic see; and that all who oppose this declaration or maintain the contrary shall be punished as traitors.' This decree was confirmed without delay by the emperor, and by the Diet convoked at Frankfort.

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[1] On the pope asserting his supremacy over the civil power, the Chancellor, Peter Flotte, replied: 'Your power in temporal affairs is a power in word; that of the king, my master, is a power in deed.'

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[1] Raynaldus *sub anno*, cap. xxvii.

[2] 'Ipse, contra divinæ dispositionis ordinationem, per quam in firmamento ecclesiæ militantis duo magna luminaria Deus fecit, Pontificalem scilicet auctoritatem et Imperatoriam majestatem, ... manifeste nititur luminaris alterius, potestatis scilicet radios sæcularis suffocare.' Herwart, i. p. 248.

Electoral union at Rense, July 16, 1338.

While, therefore, in former days the papacy had found its best allies against the empire in the princes, these now enter for the first time, as the English barons had entered two hundred years before, into an alliance with the supreme power in the State against the encroachments of the pope in the affairs of the empire. And throughout the whole of the next century, within the limits of Germany, we find continually repeated the demand that the foreign influence of the papal Court, particularly with regard to its fiscal exactions, shall be checked and curtailed.

Anti-papal writers.

We have seen thus how one nation after another asserted its independence against the usurpations of papal authority in matters temporal. Contemporaneously with this movement appeared a succession of writers who maintained the freedom of the secular from the ecclesiastical power. Thus Dante, in his *De Monarchiâ*, disputes the right of the Church to temporal government. Thus William of Ockham, the opponent of John XXII., and one of the heads of the popular Order of the Minorites, or bare-footed friars, denies to the Church all exercise of power or jurisdiction in matters not purely spiritual, and asserts that whatever she has acquired of civil immunities and property could be taken back by the princes, even the estates belonging to the Church, if the same could be turned to pious uses.

Marsilius of Padua.

Still more decidedly did Marsilius of Padua express himself in his *Defensor Pacis*, written in defence of the imperial rights of Louis.[1] Starting with the Aristotelian conception of the State, he insists upon its absolute independence. It was the emperor's duty to preserve the peace, but in this instance he was disturbed by the usurpations of the pope and clergy. All human actions must be subject to civil law, and every priest, therefore, who transgresses it must abide by its censure; nay, the priest should be still more severely punished than the layman, because he knows better to distinguish between good and evil. Through the personality, therefore, of the priest, an action can never become ecclesiastical, for in that case civil jurisdiction would become a nullity. The Christian religion robs no one of his rights; but he who enjoys the advantages of State-membership must not venture to exempt himself from State laws. Christ's kingdom is not of this world: the priest enjoys only spiritual privileges; the Church can therefore claim no temporal right of legislation or jurisdiction; the priest can arrogate no sort of temporal power—as little, in fact, as the Apostles had done. The coronation of the emperor gives to the pope no more right over him than the anointing of the kings of France gives to the archbishop of Rheims over his sovereign. As regards the authority of the Church, by which term is understood the aggregate of the faithful, laymen as well as ecclesiastics, Marsilius recognises only the Scriptures; and the councils, not the decrees of the popes, which are self-contradictory. The papal dignity exists for the purpose of preserving the unity of the Church; but it is a result of history, not of Divine origin. The apostles were all equal, and needed not the confirmation of Peter. The pope is subject to the General Council; he is only its commissioned agent: not he, but the Christian sovereign, is to convoke councils, and laymen also ought to be admitted. Similarly, but within narrower limits, Marsilius demands that the congregations shall choose their priests, and that no excommunication shall be pronounced without their consent.

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[1] See Riezler, 'Die literarischen Widersacher der Päbste zur Zeit Ludwig's des Bayer,' 1874.

The bold ideas of reform contained in this publication fell upon a soil not yet prepared to receive them, since the movement against the papacy was not yet directed to its position within the Church. When Louis attacked this, by declaring John a heretic, he failed to meet in any quarter with support.

But the papacy now fell upon its own immediate territory into a state of confusion and weakness, which made it dependent on those political powers who had hitherto been content with defending themselves against its encroachments on their jurisdiction.

After the brief pontificate of Benedict XI., the successor of Boniface VIII., Philip the Fair employed the power he had acquired to procure, in 1305, the election of the archbishop of Bordeaux, as Clement V., who acquiesced in all his demands, even conceding to him for five years the tenth of all the property of the Church, and ratifying the abolition of the Order of Templars, which had been pronounced by the Council of Vienne. This Order, undoubtedly, could be reproached with degeneracy; most, indeed, of the ecclesiastical knightly orders had outlived their day,[1] since the object for which they had been founded, namely, the defence of Christianity by force of arms against heathenism and Islam, was now no longer pursued. Still, the suppression of the Templars was, none the less on that account, an act of violence. Philip sought, by so doing, to strengthen the power of the Crown, to crush the *imperium in imperio* which that

Suppression of the Templars, A.D. 1311.

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[1] The Teutonic Order was a solitary exception. As an ecclesiastical brotherhood it had not only commanded the same fulness of spiritual authority and political experience which raised the Church to the first civilised power of the Middle Ages, but it was also spared the exhausting struggle with Rome. Everywhere else the Church was either the lord or the hostile neighbour; in Prussia alone a member of the State. Everywhere else the clergy were the mediators, in the ordinary transactions of life, with the Roman see; in Prussia the Teutonic Order alone remained the medium of intercourse between the clergy and the pope. A third of the country was transferred to the four bishoprics as their property; but the provisions of the common law, which protected the rights of the peasants no less than of citizens of towns, extended equally over these episcopal possessions, which were liable, moreover, to the obligation of military service. Beyond this, the Church was forbidden to acquire any territory. As the internal constitution of the Order comprehended the exercise of all spiritual functions, so also it was supreme patron within its territories, and enjoyed, within the episcopal third of the kingdom, the right of visitation. More than this, all bishoprics and chapters, except those in Ermland, were filled by spiritual brothers of this Order. Hence the perfect unity of this ecclesiastical State; hence also the fidelity of the clergy to the Order, even in its contests with Rome. Treitschke, 'Historische und Politische Aufsätze,' ii. p. 19.

Order had created, and to replenish his own finances by the confiscation of its property. The pope himself, by consenting to legalise this arbitrary measure, helped to destroy an ecclesiastical knighthood whose members had been among the foremost to raise the hierarchy to its pitch of power.

Removal of papal Court to Avignon, A.D. 1305.

An event, however, pregnant with momentous consequences, occurred when, for the first time, the French pontiff, Clement V., remained away from Rome, and established the papal Court at Avignon, where his six immediate successors also resided. The papal palace still stands in that city: half-monastery, half-castle, the exterior in excellent preservation; the interior, since the French revolution, converted into barracks. Within are still to be seen fragments of the frescoes with which Giotto and Luca di Siena adorned the walls; and the vaults, blackened by sulphurous exhalations, where the screams of the victims of papal torture were smothered. Justly did Petrarch[1] and other Italian writers designate this epoch of the papacy as the Babylonish Captivity of the Roman Church. Although the popes acquired there enormous riches,[2] together with the city of Avignon and countship of Venaissin, they became the mere vassals of the kings of France—nay, as a contemporary writer puts it, copying the papal phraseology, the 'servant of servants' of French magnates—and on that account, no less from the open profligacy of their lives, sank rapidly into universal contempt.

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[1] He calls Avignon the third Babylon and the fifth Labyrinth. 'Non hic carcer horrendus, non tenebrosæ domus error, non fatalis urna humani generis fata permiscens, denique non imperiosus Minos, non Minotaurus vorax, non damnatæ Veneris monumenta defuerunt.' Ep. x.

[2] Hopeless of deriving any revenue from Italy, in its distracted condition, the popes devised, for this purpose, two new and important taxes. In addition to the fees of *servitia communia*, they claimed the *jus deportuum*, originally demanded by the bishops from benefices to which they had the right of appointment; and consisting at first of a proportionate charge, but afterwards of a moiety of the first year's revenue (*fructus medii temporis*), so that the patron might reap the benefit of each successive change. The other tax, which affected the disposition rather than the vacancy of benefices, was the Annates (*Annatae*)—a

Distracted condition of Rome.

Rome, meanwhile, was the scene of violent contests between the factions, at one time of the aristocracy, at another, of a fanciful republic, presided over, as tribune, by the vain and eccentric Cola di Rienzi. After his overthrow, the desire became general to see the pope return to Rome; for ruinous as the papacy had been to Italy in general, it had brought corresponding profit to the Eternal City, who, in consequence of the exile, had lost all her former advantages as the centre of the Christian world, and had sunk to the lowest stage of decline. Twice had the popes, during their sojourn at Avignon, attempted to return to Rome. But Urban V. fled to escape from a tumult, and Gregory XI. died soon after his restoration in triumph by the Romans. After his death, two years later (1378), the populace extorted from the terrified cardinals the election of an Italian; although seventeen members of the Sacred College were Frenchmen, and only four Italians. The French cardinals, however, who, incensed at the imperious conduct of Urban VI., had retired to Avignon, publicly annulled his election, as having been extorted by violence, and chose one of their own number, under the name of Clement VII.

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fixed charge, payable to the papal treasury, consisting of half the first year's revenues of all bishoprics, abbacies, and inferior benefices, subject to the pope's appointment. They were called also *Annatæ Bonifacianiæ*, as said to have been introduced by Boniface IX. (1389–1401), to distinguish them from other taxes which in a larger sense were called Annatæ. They formed a fertile source of gain, by the constant promotion of ecclesiastics from poorer to richer benefices, as well as by the prohibition of pluralities.

The new pontiff went back to Avignon; and now began the great schism, which lasted for fifty-five years.[1]

The great schism in the papacy.

This rupture damaged, of necessity, most materially the whole position of the papacy. The two grand facts—for such they were believed to be—which had hitherto given the firmest support, in the mind of Western Christendom, to its assertion of Divine authority, were the continuity of the papal office, reaching back, in the popular belief, as far as St. Peter; and the unity of its government. But a link was now broken in this majestic chain of history. This imposing unity, as represented in all its grandeur in the rule of the great pontiffs, was destroyed as soon as two rival monarchs of the Church came forward, each of whom claimed to be her lawful sovereign. Only one pope could be the true vicegerent of Christ: the other who put forward similar pretensions was bound to be an impostor and an anti-Christ. With this duality collapsed at once the whole theory and system of an infallible election, dictated by the Holy Spirit. The frailty was exposed of the institution itself which laid claim to Divine appointment, and, consequently, to judicial and administrative supremacy on earth. The spell hitherto exercised by the papacy was now, even to the most obtuse observer, inevitably broken. It is difficult at the present day to form any adequate idea of the terrible effects of this schism on that age. Even a doubt of the legitimacy of a civil sovereign suffices to distract a nation. But the misery of this division in the Church paralysed the whole of Christendom, and called in question her entire legal

Its demoralising effects on the Church.

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[1] Gregory XI., in order to break the paramount influence of the French cardinals, had enjoined, by the Constitution 'Periculis et detrimentis' (1378), that in the next Conclave the pope should be elected by the simple majority. This was the first infraction of the principle established by Alexander III. ('Sicut de vitandâ'), that a majority of not less than two-thirds should be required. This innovation led to the Schism.

status. The disastrous effects of this disunion in her head were naturally felt throughout the whole body of the hierarchy. The cardinals, after the example of the rival pontiffs, indulged in mutual warfare and malediction. The bishops were divided, according as they sympathised with this or that claimant to the papacy. As regards the various sovereigns, each of the papal competitors endeavoured to purchase his recognition by the civil power by the employment of every artifice at his command—a policy aptly described by Lorentz as 'wooing for the privilege of obedience.' France, Scotland, Savoy, Lorraine, Castile, Aragon, and Naples, espoused the cause of Clement VII.; Germany, England, Denmark, Sweden, Poland, Prussia, and the rest of Italy adhered to Urban VI. The confusion of Christendom was unbounded.

A General Council demanded.

A power thus divided in itself, as the papacy was at that time, could never, by itself, recover its unity. The quarrel between the rival pontiffs could only be adjusted by a collective representation of the universal Church. It was sought, therefore, to revert to the older days of Christianity, when the unity of the Church was represented by the assembled episcopate. We have seen how Marsilius of Padua upheld the theory of general councils. Louis himself had repeatedly appealed to their authority, when the pope came forward at once as a litigant and a judge. On the same ground had Baldwin, archbishop of Trèves, appealed in 1334 to the Italian cardinals, in order to determine the dispute between the emperor and the pope.

This growing conviction of the need of a General Council was further promoted by the schism itself. During its continuance, the Church of France had perfected her fabric without reference to the pope, and had fashioned a graduated and well-ordered series of appellate jurisdiction, strictly confined to national limits, thereby affording a proof that a national Church could be established, if necessary, on a permanent basis without the intervention or assistance of Rome. But as the Gallican community desired only from the first to be a member of the universal Church of Christendom, so was she firmly convinced of the necessity of healing, if possible, the schism which had wrought such heavy injury to the Christian world. In this movement for unity the University of Paris took the lead. John Gerson, her famous Chancellor, in his treatise 'On the Reformation of the Church,'[1] laid down as maxims: that the pope was not exalted above the temporal power, and still less above the Gospel, but that it was lawful, on the contrary, to depose him, should the welfare of the Church demand. Alone, he had no manner of right to convoke a council, particularly if it was to pass judgment on matters affecting himself; but, in the present desperate state of affairs, a General Council alone could effect the reformation of the Church. It is obvious that these views were the exact opposite of those which the popes had maintained in the plenitude of their supremacy, namely, that the pope alone could summon a General Council, but was in no way amenable to its authority.

Council of Pisa, A.D. 1409.

But the necessity of the times compelled men to break with this tradition. The cardinals of the two rival pontiffs, urged by the Court of France and the University of Paris, were reconciled to each other, and summoned a General Council to meet at Pisa. This council failed, indeed, to heal the schism in the papacy; on the contrary, by its election of Alexander V., it only added one more to the numbers of the papal disputants. But it formed the prelude to the next, and far more important council, which, at the summons of Sigismund and John XXIII., the successor of Alexander V., assembled at Constance in November 1414.

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[1] Opp. Gersonii. ed. Du Pin, ii. 161, *sqq.*

Council of Constance, A.D. 1414–1418.

As it was the temporal sovereigns who mainly dictated this council, and who explicitly demanded the reformation of abuses, so, in conformity with the national current that ruled the time, it was resolved, in spite of the pope and his adherents, that the suffrages should be taken in public session by nations, not by the head. The object of this arrangement was to prevent the Italians, who were most numerously represented, from impeding every measure of reform. Each of the different nations—France, England, Germany, Italy, and, later on (1416), Spain—consulted, in separate and preliminary sessions, on matters to be laid before the Council. They then communicated their resolutions to each other for common conference, and the article was finally resolved on by a general congregation of the nations; the collective resolution being framed 'secundum majorem et saniorem partem votorum, factâ collectione zeli et numeri.' The cardinals, who demanded at least a collective vote similar to that possessed by the nations, failed, indeed, in this demand; but subsequently they were allowed to hold separate conferences in addition to participating with their respective nations; and their placet was invited for the sake of form.

Decrees its supremacy, March 30 and April 6, 1415.

The Council now explicitly defined its authority by two resolutions, which decreed that a General Council derived its power immediately from Christ, and that every person, of whatever rank or dignity, even the pope himself, was bound to obey it in all matters concerning the faith, the extirpation of schism, and the reformation of the Church, both in its head and its members.

After this, the Council proceeded to its practical business.[1] Three things were expected of it—to protect the Church against the rising heresy (*causa fidei*); to re-establish the unity of Church-government (*causa unionis*); and to reform her abuses (*causa reformationis*). Germany, supported at first by England, insisted on the immediate reformation of the Church. Italy, with France and Spain, demanded the previous election of a pope, on the ground that it was impossible to regulate the constitution of the Church unless her monarchical head were present; just as, in matters temporal, the work of legislation required not only the estates of the realm, but the sovereign. The views of Sigismund so far prevailed that a committee of reformation was appointed to prepare a scheme for future deliberation; but only after the election of a new pontiff. With regard to the internal government of the Church, the theory and doctrine of the Council dispensed with the necessity of the papal confirmation of its resolutions; and a decree, or 'perpetual edict,' was passed, which provided for the holding of periodical councils, the next to take place in five years, a second at the end of seven more, and after that one in every ten years. The pope should never, except under urgent circumstances, such as a war, siege, or plague, prolong these intervals; and he was only empowered in cases of necessity, and with the advice of his cardinals, to abridge them. In the event of another schism, the Council should, *ipso jure*, assemble within twelve months after its appearance;[1] and every antipope, with his electors, should appear before it in person, on pain of forfeiting his dignity. Every election extorted by violence or undue influence was declared void *ab initio*; but the cardinals were forbidden to proceed to another election until the Council had given judgment upon the previous one, unless a positive vacancy was created by the death or abdication of the last legitimate pope. So far, the influence of Sigismund,

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[1] Raumer, 'Die grossen Kirchenversammlungen des 15. Jahrh.' Histor. Taschenb. 1840. Hübler, 'Die Constanzer Reformation,' 1867.

Oct. 9, 1415.

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[1] 'Intelligatur ipso jure terminus Concilii, tunc forte ultra annum pendens, ad annum proximum breviatus.' V. d. Hardt, iv. p. 1432.

aided by Henry Beaufort, bishop of Winchester, who had newly arrived at the Council, were able to procure the consideration of Church unity and the extirpation of schism. It was further decreed (October 30) that the new pontiff should promise before his election to take in hand with the Council the reformation of the Church in her head, and in the Roman curia.[1]

While the assembly was thus occupied with the extirpation of the great schism, the majority, which had carried the previous consideration of a papal election, were obliged to make the concession that the election for this time should not be limited to the twenty-three[2] cardinals present, but that thirty other electors, six from each nation, should be added to their number. This college dismissed all three contending pontiffs as unworthy. John XXIII., after evading, by flight, his promise to resign, was formally deposed. Gregory XII. voluntarily abdicated. Benedict XIII., who refused to do likewise, was simply removed; and the cardinal Colonna was elected as the new pope, under the name of Martin V.[3]; France alone objecting to him as a member of the Sacred College.

Martin V. elected pope, Nov. 1417.

So far, the Council was a success. The popes, who had hitherto claimed an absolute power, ordained by God Himself, were placed by this schism in too flagrant an attitude of contradiction to their own pretensions, and were forced to bow to the authority of the general assembly of the Church. But scarcely was the schism repaired when the newly-elected pope employed his power to disavow his engagements and to oppose the reformation which was threatening Rome. Notwithstanding the stipulation expressly prefixed to his election—that he should take in hand, with the Council, the work of reformation—Martin V. flatly ignored this condition; and shortly after his election, regardless of the precautionary decree, published a Brief on the regulation of the Roman Chancery (*Regulæ Cancellariæ*), confirming all the abuses of his predecessors. The decrees of the Council already mentioned, besides those relating to the election of bishops and abbots, remained practically nugatory. Martin V. denounced the proposition that a General Council was superior to the pope, as 'false, rebellious, and damnable;' and on April 22, 1418, dissolved the assembly, which was powerless against this arbitrary edict. Thus, with regard to the positive and most important duty of the Council, the reformation of the Church in her head and members, absolutely nothing was done at Constance; while, with respect to matters of faith, it was only possible to maintain the *status quo* while the Bohemian heretics were being burned at the stake.

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[1] 'Statuimus, quod futurus summus Pontifex, cum hoc sacro Consilio vel deputandis per singulas nationes debeat reformare Ecclesiam in capite et Curià Romanâ.' V. d. Hardt, iv. p. 1452. The question of her reformation 'in membris' was no longer discussed.

[2] Later on (May 2, 1418) the number of the cardinals was definitely fixed at twenty-four, eligible, not by the pope alone, but by the college, from all parts of Christendom.

[3] This was the second and last violation of the rule, that the pope was to be elected by two-thirds of the cardinals—a rule which from that time has been invariably adhered to.

Council of Basle, A.D. 1431.

Equally unfruitful of any practical result was the last of these three General Councils, that which assembled at Basle. Martin V., hard pressed by the danger arising from the Hussites, and the political crisis of Rome, had been forced to consent to its convocation. Death removed him before it commenced its sittings; but scarcely had the assembly met (July 23, 1431), when his successor, Eugenius IV., pronounced its dissolution; and it was not until two years later that the Emperor Sigismund extorted from him its recognition. But the Council meanwhile, encouraged by the bold attitude of Cæsarini, continued its sessions. The decrees passed at Constance, asserting the supremacy of a

General Council, were renewed (February 15, 1432), with the additional declaration that the pope should never dissolve, translate, nor prorogue a general assembly of the Church, nor impeach or punish any of its members against the will of the Council itself. The pope, it was declared, was in no way absolute monarch of the Church, but simply her ministerial head (*caput ministeriale*), superior, indeed, to each of her members individually, but not to the Church in her collective capacity. Accordingly, it was further decreed that in the event of the Holy See falling vacant during the holding of the Council, the election should take place in the presence and under the superintendence of the assembly.[1] Eugenius IV. immediately declared the Council dissolved, and protested against these resolutions, as subjecting to the Council the entire authority—legislative, administrative, and judicial—of the Church, and thus changing the monarchy ordained by God, first into an aristocratic, and, finally, into a democratic form of government. The Council, however, insisted on its decrees, and demanded that the pope should acknowledge its supremacy, and even ratify its resolutions by oath. Eugenius IV., forced to yield, through the desertion of his cardinals and the insurrectionary spirit of the Romans, revoked by his bull *Dudum*[2] his edict of dissolution, and his legates were admitted to the Council (April 26, 1434).

Decrees of reformation.

After this the assembly proceeded with the reformation of the Church. The grievance which called forth the greatest complaints was the reservation by the popes of the appointment to an ever-multiplying number of benefices, not so much for the collation itself, as for the annates realised by that means. The extension of this right of provision had brought, in the fourteenth century, nearly all the important benefices into the hands of the Curia; it had extinguished the ancient right of presentation by the ordinaries, and thereby provoked great bitterness among the higher clergy. Only in a few countries, such as England, Sicily, Hungary, Bohemia, Denmark, and Sweden, had the protecting power of the State succeeded in maintaining with firmness the customary rights of patronage. The Council of Basle now declared all papal reservations, annates, and grants in expectancy (*gratiæ expectativæ*) to be abolished,[1] and restored the right of capitular election, which, it was declared, could only be refused by the Court of Rome in case of a violation of the canons.[2] The pope was forbidden the disposal of any benefices beyond those already awarded to him by the *Corpus Juris Canonici*—in contradistinction to the *Extravagantes.* With regard to his jurisdiction, it was limited to the 'causæ majores' enumerated in the canon law, and to disputes relating to elections to cathedral churches and monasteries, which were subject immediately to papal cognisance. All other causes of complaint, originating beyond a specified distance from Rome, were to be determined by a local judge, recourse being had further, on appeal, to his immediate superior.[3]

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[1] 'Statuitur . . . quod in eventum vacationis Sedis Apostolicæ, hoc sacro generali durante Concilio, electio summi pontificis in loco istius sacri Concilii fiat.' Sess. iv.

[2] 'Quinimmo præfatam commutationem, translationem, seu dissolutionem revocantes, ipsum Concilium Basillense pure, simpliciter, cum affectu et omni caritate amplectimur.' Mansi, XXIX. p. 574.

But a Council in which even a minority, though strong, resisted these decrees of reformation, had not the power to give them practical effect. The quarrel broke out afresh; and when the Council, after citing Eugenius IV. to its tribunal, proceeded to suspend him (October 1, 1437) as guilty of contumacy for refusing to appear, the fear was openly expressed of a new schism in the Church, especially as the

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[1] Concil. Basil. Sess. xxi. 1 *de Annatis.*

[2] *Ibid.* Sess. xxiv. 6.

[3] Sess. xxxi. 1, *de Causis.*

Council haughtily rejected the mediation of the princes, and extended its interference to temporal affairs. Eugenius meanwhile had answered his citation by dissolving the assembly and opening another synod at Ferrara (January 8, 1438), where its direction could be altogether under papal control. Violent disputes arose among the members at Basle, which ended in the secession of the minority. The majority, in spite of an intimation from the emperor, through his ambassadors, that he would restore peace, proceeded to depose Eugenius IV. (May 28, 1439), and, though supported by only one of the cardinals, elected, by a college somewhat irregularly constituted, Amadeus, duke of Savoy, under the name of Felix V.; who, however, was scarcely anywhere recognised, and shortly after abdicated. The Council of Basle dragged on its sittings for several years, notwithstanding the rival council under Eugenius IV.—now removed from Ferrara to Florence—but it failed to obtain a recognition of its decrees.

The doctrine of universal councils gained ground, after all attempts to remedy the corruption in the Church and to extirpate the schism had broken down. Unity was re-established, but the assemblies were incapable of effecting a real reformation of the Church. The Council of Constance bore an aristocratical character; but the Christian laity had nothing to gain from that fact, if the constitution of the Church were, in reality, merely transformed from a monarchy to an aristocracy, and only the prominent evil of the papal curia, not the abuses of the episcopate and of the clergy, were dealt with, the latter, on the contrary, still firmly maintaining the hierarchical idea of the Church. The Council of Basle, in consequence of the large numerical representation of the lower clergy, had a more democratic stamp; but, for that very reason, it alarmed the ecclesiastical aristocracy and the princes, who feared that what threatened the pope might also be attempted against themselves, so far as concerned their relations with the State. The belief in the necessity of a monarchical head of the Church was still firmly maintained, while the hope of improvement from a personal change in the papacy waxed gradually more faint. When once the schism in the Church was removed, the real strength of the councils was unnerved, for as questions of faith and doctrine were altogether avoided, and the proceedings were directed exclusively to the constitution and discipline of the Church—while even in these matters no attempt was made to establish a reciprocal relation between the two powers, the Pope and the Council, as, in some degree, had been done between the Crown and the Estates of the realm, the issue being always as to which of the two was the final authority—the solution arrived at by these councils could only lead to the absolute and unconditional triumph of the one or the other rival. When the Council of Basle was found to conduct itself with just as much assumption of pride and infallibility as the pope, the conviction prevailed that the restoration of the old monarchical government, in its absoluteness, was the lesser evil of the two. The councils by no means inclined in principle to the temporal power, although they endeavoured to utilise it against Rome. On the contrary, the advancement of the study of jurisprudence, which gave to secular scholars and statesmen an insight and influence in ecclesiastical affairs—the monopoly, in former times, of the clergy—had produced a strong feeling of jealousy among the latter. The national independence of the different churches towards Rome, which had been attacked by the councils, by no means involved a settlement of those questions of Church and State, so peculiarly important, of necessity, to the temporal powers; and hence it became a question with the latter whether they could not more easily effect an understanding with the one great bishop at Rome, by making

Church councils and the papacy.

concessions to him at the expense of their clergy, than fall in with the pretensions of the local ecclesiastical potentates. Thus it came to pass that the papacy, though remaining weakened, indeed, by its long disorders during its contest with the temporal powers, emerged, nevertheless, from that conflict with its ecclesiastical authority essentially undiminished. A few years after the close of the Council of Basle, Pius II., formerly, as Æneas Sylvius, a zealous member of that assembly, condemned the proposition allowing appeals from the pope to General Councils, as a 'horrible, unheard-of abuse,'[1] and in 1516 a Council itself, the fifth Lateran, proclaimed the absolute supremacy of the papal power and the legal validity of the bull of Boniface.

Triumph of the Papacy over the Episcopate.

This triumph of the Papacy over the Episcopate, so often repeated in the history of the Church, was in nowise the result of accident. If once the unity of the Church is made to rest on the external authority of mankind, the supremacy of the Court of Rome becomes the logical and simple consequence of that principle. The weak points of the Papacy are evident: it discards the authority of Scripture; its development has been purely historical, and it depends on human forms of election. The infallibility of the electoral college of cardinals, who received this right at a late period, is confuted by the intrigues of the conclaves, by the intervention, in the most various forms, of the secular power, and by the election of antipopes. But the case of its opponent, Episcopacy, is no better. The exclusive translation of the apostolic office to the bishops, who in their collective capacity are supposed to represent the Church, rests as little on Scripture as the primacy of the Roman pontiff. The infallibility, denied to the pope, is to dwell with the Œcumenical

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[1] 'Execrabilis et pristinis temporibus inauditus tempestate nostrâ inolevit abusus.'—Bull, Jan. 23, 1460, in *Gobellinus*, iii. p. 91. Ed. 1614.

Council: the individual members of this indefinite multitude, confessedly fallible by themselves, are to be made infallible for the first time by the illumination of the Holy Spirit. But as this illumination is absolute and authoritative, so its operation—as mankind were instructed to believe—could the more easily be represented by an individual, whose real opinion is far simpler to discern than that of a great assembly, the very œcumenical character of which involves so many conditions of contrariety and discord. And since the councils, from the nature of their composition, can but seldom be unanimous, while the Church, on the other hand, demands a constant government, it is obvious that the papacy, in opposition to such assemblies, enjoys a position of considerable advantage. The result of the whole movement was that pope and Council mutually damaged their respective authority, until Luther drew the necessary conclusion that as both contradicted each other, neither of them was entitled to full belief.

National concordats.

With regard, meanwhile, to the various countries of Europe, since in respect of the papal rights of collation, reservations, annates, and so forth, no common understanding had been arrived at, nothing was now left but to conclude separate concordats with the pope, or to proceed to legistion independently of the Holy See. Germany adopted the former alternative. The states of the empire, during the vacancy of the imperial throne, with a view to further their efforts at mediation between the pope and the Council of Basle, had declared the neutrality of the German Church, and renounced provisionally all obedience to both. But while leaving afterwards the two contending parties to come to an agreement, if possible, as to the internal government of the Church, they took care to secure their independence of Rome by means of a separate treaty. Such was the object of the pretended Pragmatic Sanction of 1439, which gave

Pragmatic Sanction of Germany,

March 26, 1439.

statutory sanction to the decrees of reformation, passed at Constance and Basle, and thus laid the foundation of a general ecclesiastical law for the empire.[1] The free bestowal of benefices by canonical election, the independence of the German Churches, the limitation of the right of excommunication, and the reform of the judicial system of the hierarchy, formed the essential points of this memorable instrument. But the princes of Germany had no political organisation wherewith to enforce the execution of these demands. Eugenius IV. and Nicholas V. had already promised to confirm these resolutions, when the latter pontiff sent his legate, not to Aschaffenburg, to a conference there, as he had promised, with the Estates of the Empire, but to Vienna, where the newly-elected emperor, Frederick III., won over by the cunning of Æneas Sylvius, in the conflict between dynastic and imperial interests, shamefully sacrificed, by the concordat of 1448, all that had hitherto been gained by the Council of Basle and the Acceptation of Mayence, the pope granting to him, in return, extensive powers over the episcopate in his hereditary dominions. The emperor conceded almost all the privileges of the Court of Rome, which had been taken away by the decrees at Basle, particularly the annates, the benefices, with some modifications, which had been assigned to the Papal See in the *Corpus Juris* together with the *Extravagantes,* and all others which should fall vacant in the months of January, March, May, July, September, and November. The pope, on the other hand, granted to Frederick III. the right of nominating to the six bishoprics of his hereditary domains, together with a hundred of the most valuable benefices, and the visitation of, and a tenth of the revenues accruing from, the monasteries. This dis-

Concordat of Vienna, 1448.

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[1] Lorentz. p. 242, *sqq.* See the 'Sanctio Pragmatica Germanorum illustrata,' by Koch, Argentor. 1789.

graceful compact frustrated the last attempt to establish a united and independent system of ecclesiastical law in Germany; and Rome, encouraged by this precedent, proceeded to purchase, by artful concessions, the obedience of the most powerful princes of the empire. The electors of Mayence and Trèves received the indultum of collating to all benefices which might fall vacant during the papal months. The elector of Brandenburg obtained the right of nominating the bishops of Brandenburg, Lebus, and Havelberg. The duke of Cleves and others were similarly favoured. But Germany, as a nation, was delivered up, by this Concordat, defenceless to Rome, who proceeded to inundate her Church with foreigners.

France: Pragmatic Sanction of Bourges, July 7, 1438.

France, on the other hand, assumed an attitude of independence. Substantially adhering to the principle of General Councils, Charles VII. enacted in 1438 the Pragmatic Sanction of Bourges. This charter, while avoiding an open rupture with the pope, and abstaining from interference in purely spiritual affairs, adopted the proposition of his subjection to a General Council. The authority of the Council of Basle, whose deputies were present, was recognised in general terms, but its decrees were rescinded, so far as they were judged unsuitable to the Church of France. Annates, reservations, and expectatives were abolished. The freedom of canonical election was established, the right to recommend candidates remaining vested in the king, while the nobles of the realm enjoyed that of presenting to benefices under their patronage. The liberties of the Gallican Church were confirmed anew, and in particular it was settled that no papal bulls or briefs should be published without royal sanction (*pareatis*), a provision aimed equally against the spiritual usurpations as the fiscal exactions of Rome. The execution of these provisions was entrusted to the

Courts of Parliament, which were charged to decide in all cases of their violation (*appel comme d'abus*).[1]

Similarly, in other countries, were formed those national Churches, which in point of doctrine, worship, and constitution, abstained indeed from breaking with the mediæval Church of Rome, but, with regard to their legislation, jurisdiction, and administration, were subject to the authority and supervision of the temporal government. In this manner the universal Church acquired the character of a federation.

Church reformation in Spain.

The most conspicuous example of these national movements was offered by the infant monarchy in Spain, which, without disturbing either dogma or constitution, succeeded in effecting a formal reformation of her Church.[2] The seven hundred years' contest with the Moors had kept constantly alive in Spain an active religious zeal. The pride of pure blood blended with that of orthodoxy; and not to be a pure Catholic was regarded as a fault of race no less than of disposition. But the Church, in this as in other countries, had become demoralised during the fourteenth century by worldliness and luxury.[3] The result of the councils had shown that any remedy from that quarter was as hopeless as from the pope. At this juncture, the government, which had put an end to the long political convulsions and distraction of the country, undertook also to give a new shape and character to the Spanish Church.[1] By a clever manipulation of political events, Ferdinand and Isabella effected the Concordat of 1482, which granted to the Crown a power over the Church hitherto unknown. Spain had, moreover, been hitherto flooded by Rome with foreign ecclesiastics: the king now obtained the right of nomination to all bishoprics and higher offices in the Church. The government acquired the Grand-mastership of the Ecclesiastical Orders, and the disposition of the enormous property of the Church. Papal bulls succumbed to the placet: all ecclesiastical matters collectively were subjected to the intervention and supervision of the civil power. Both king and queen were sincere, no doubt, in their desire to purify the demoralised Church from its elements of corruption. But the means they employed were not the less partial, intolerant, nay barbarous. The Inquisition, which already in the thirteenth century had launched its terrors against the Albigenses, whose adherents had spread as far as Spain, was now erected into an institution of the Crown. This engine of persecution, whose instruments were the creatures of the Crown, and whose judgments were liable to the royal *visa*, was turned now against the remnant of

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[1] The parliaments, originally simple courts of justice, raised themselves into political corporations by insisting on, and eventually obtaining, the right of having all new legislative ordinances submitted to them for enregistration. Those laws which they rejected, they ignored in their judicial proceedings.

[2] Maurenbrecher, 'Studien und Skizzen zur Geschichte der Reformationszeit,' 1874.

[3] Accordingly, the Castilian cortes declared, in 1390, that they failed to discern any valid reason why the clergy should claim the payment of tithes. The precepts of the Old Testament, framed, as they had been, for the maintenance of an indigent priesthood, were wholly inapplicable to the present pampered clergy. If the priests desired to assimilate themselves to the Levites, they might then be at liberty to enjoy the tithes; but they must surrender at the same time their worldly possessions.

Concordat of 1482.

Religious persecution under State authority.

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[1] The new kingdom now entered upon the inheritance of its Visigothic predecessors, who, even after Reccared's conversion to the Catholic faith, had maintained with a strong hand their supremacy over the Church. They fixed the limits of the dioceses, convoked councils, and reserved to themselves the placet for the decrees there made. The Church was obliged to renounce the Roman law; the canons remained subject to civil legislation; bishops as well as clergy had to conform to temporal jurisdiction. On the other hand, the Church possessed great influence in the State. The bishops co-operated in the work of legislation; secular punishments were inflicted for ecclesiastical offences, and ecclesiastical punishments for secular crimes. Dahn, 'Die Könige der Germanen,' vol. v.

the conquered Moors and especially the Jews, who were forced to embrace Christianity. These *nuevos Christianos* —as they were called—were denounced and persecuted as relapsed proselytes. But the purity of the faith was guarded not merely from without. Within the Church herself, all worldly ecclesiastics were removed; the strictest discipline was restored among the general body of the clergy; and the rigour of mediæval asceticism was revived in the monasteries. Preaching and the confessional were zealously cultivated: the University of Salamanca, in its punctilious regard to dogma and the hierarchy, reverted to the tenets of Augustine and Thomas Aquinas. But while, in this manner, all those outward blemishes of the Church, which offend most deeply the popular conscience, were removed by the initiative of the State, and the Church, long robbed of religious life, was reanimated with a new spirit, the ground was taken away from the later reformation of the faith, and the way prepared for the people to take up the battle for the preservation and extension of the purified Church of the priesthood.

Efforts of religious revival.

In no other country but Spain has anything similar occurred; but the fifteenth century was an intellectual epoch, too deeply stirred, to have rested content with mere lamentations over the decline of the Church. As on secular territory the German nation, notwithstanding the impotency of the empire and the political state of anarchy, proved her strength by the colonisation of the Slavonic East, by the growth and ripe prosperity of her confederate cities, by the development of her trade and commerce, of the arts and poetry; so in the spiritual province an abundance of productive energy was displayed, which opposed a practical protest against the worldliness of the Church. Although the hierarchy had imparted by degrees an exclusively symbolic character to the whole system of worship; although the sale of indulgences, the veneration of relics and saints, with its numberless festivals and pilgrimages, continually intruded upon religious life, while the preaching of the Gospel fell altogether into the background, still all these purely external means of grace could never satisfy souls eager for salvation, the less so, indeed, as the Church herself, by her example of worldliness, destroyed the belief in their efficacy. The more deeply rooted became the conviction of her disease, the more strenuously were manifested the reforming efforts of the laity, who not only denounced aloud the prevailing corruption—witness the many satires levelled against the immorality of the clergy, and the evils of confession, penance, and indulgences—but demanded that the subjection of the flesh to the spirit should once more be made a reality. As yet, indeed, these efforts did not produce an open rupture with the Church. Their champions, like the age itself, were not educated enough to penetrate to the root of the evil: they relied, moreover, mainly on a vague enthusiasm for an ideal of their own creation, such as recommended itself most readily in times, like those, of universal dissatisfaction. In opposition to the barren code of forms and traffic in indulgences that marked the Church of the priesthood, they set up the vague and formless assumption of new divine inspirations, and of a profound and mystic knowledge of the truths of salvation. But precisely because these assumptions were in reality as shallow as they were one-sided, they were powerless to effect any real reformation; though they certainly exercised on the age a considerable influence; and one which would have been impossible had they assumed a purely negative position. Of this kind were the sectaries like the Apostolists, the severe Franciscans—known as the Zealous (*Zelatores*), or Spirituals—the Beguines, and especially the Flagellants, who, with melancholy songs of their own composition, rambled through

Sectarian protests against the hierarchy.

the various countries, and scourged themselves till they bled, in order by the new law—that of baptism by blood—to avert the wrath of Heaven. Although these sects abstained from preaching any actual heresy, their existence was so far inimical to the Church, as they claimed the right to hear confession and to grant absolution, and thus made the priesthood superfluous. Popes and councils, therefore, as well as the secular powers, interfered against them. But anathema and civil edict were equally powerless to suppress them: these penitential pilgrimages continued until the sickly sentiment which had suggested them outlived itself. As these movements were a protest against the externalisation of religion, so the Mystics, in their revolt against the cold petrifaction of dogma and the subtle entanglements of scholastic idealism, sought for a counterpoise of mind and spirit through a self-absorption in the contemplation of Divine mysteries, which had in many respects a pantheistic, and almost always a fanatical character. Condemned generally as heretics by the Church, they acquired, nevertheless, great popularity and influence by restoring once more to preaching in the common tongue its place of honour in Divine service.

The Mystics.

Precursors of the Reformation.

The significance of all these movements alike consisted in the protest they entered against the externalisation of the Church of the priesthood. But the mere counter-process itself could never lead to any reformation, inasmuch as it was purely subjective, and therefore, in many respects, arbitrary. Far more important and far-reaching in its consequences, was the appearance of genuine precursors of the Reformation, who were destined to stamp their character upon a new epoch. Of the various sects already mentioned, the Waldenses had been the most important and the purest; nor had all the rigours of persecution been able wholly to suppress them. Similar in their aims were the Brethren of a Common Life in Holland—a brotherhood of enthusiasts, who, after the example of St. Paul, maintained themselves by the work of their hands, and sought to promote Christian life by popular treatises on religion. But both these and the Waldenses restricted themselves to quiet circles of adherents, and never acquired any hold over popular life.

John Wicliffe.

The first to win this triumph was John Wicliffe, who, in the true spirit of a reformer, reverted to Scripture as the sole standard of faith, and conceded to the Church a purely human authority. Starting with these principles, not only did he endeavour to bring once more the Bible home to the people, by preaching and translating it into the national language; not only did he combat the flagrant abuse of the efficacy of good works, and the worship of saints and relics, but he advanced, by a natural process, to assail the teaching of the mediæval Church, wherever it was not founded upon a Scriptural basis. Such, for example, was the doctrine of the seven sacraments, but especially that of Transubstantiation, which he designated as the unscriptural adoration of the creature; all this not in the spirit of mystical fanaticism, but with evangelical sobriety and moderation. He contrasted the Church of the priests with the general priesthood of all believers: he defended the rights of learning and of the State against the hierarchy, and for these reasons, among others, found numerous followers among the people, as the movement of the Lollards, who joined him, served to testify.

The schism in the Church in Bohemia involved more important results. There Christianity had been planted by the Greek Church, and, even after its incorporation into the Roman hierarchy, had long maintained a certain independence, as was shown by the preaching in the vernacular, the marriage of priests, and the administration of the cup at the Eucharist. In the fourteenth century some excellent men came forward at Prague, who denounced with zeal and fervour the corruption of the clergy and the doctrine of the efficacy of good works. To these John Huss attached himself, and, like Luther, began by attacking indulgences and insisting on the sanctifying power of faith. Less determined than Wicliffe in his opposition to mediæval dogma, Huss assailed with all the greater vehemence the doctrine of the Church of Rome. He distinguished the true, universal Church, which was built upon Christ and Holy Scripture, and consisted of all the faithful, from the Church as a visible institution. As unbelievers can only be Christians in name; so the pope is then only the true successor of Christ, when he represents His cause on earth: if he acts contrary to Christ's command, he is anti-Christ. The Council of Constance knew of no other answer to these doctrines than the condemnation and burning of the heretic, in violation of the safe-conduct granted to him by the emperor. But how deeply the teaching of Huss had taken root among the people of Bohemia was proved by the frightful Hussite wars, as well as by the fact that the Roman Church ascribed to the national saint, Nepomuc, traits from the character and life of Huss himself.

John Huss.

Savonarola.

The last of these precursors of the Reformation was Savonarola, a man who, filled with the spirit of prophecy, rebelled against the moral decline of the Church, but suffered shipwreck by connecting his attempt to purify the Church with the idea of a theocratic republic.

Degradation of the papacy. 1450–1500.

The efforts of these reformers appear in proper relief, if we consider the character of the papacy during the second half of the fifteenth century. Nicolas V. and Pius II. were the last pontiffs who represented its mediæval prestige and pretensions in the Church. Their successors endeavoured, it is true, after the example of the Vienna Concordat, to purchase from the sovereigns the surrender of the principle of Church Councils, and to regain their fiscal privileges, by conceding to them in return their national Churches. And in this they were more or less successful—in Spain, partially, by the Concordat of 1482; in France, more completely by that of 1516, by means of which Francis I. deprived the Chapters of their electoral privileges and secured for himself the nomination of bishops, while the pope retained the right of institution, the annates being reintroduced and divided between the Crown and the Court of Rome. But in the main, the papacy, under Sixtus IV., Alexander VI., and Julius II., relapsed into a mere Italian principality. The policy of those pontiffs dishonoured the priestly character, and aimed solely at enlarging the ecclesiastical State by every possible method of violence or intrigue. Sixtus IV. (1471–1484) conspired with the Pazzi to overthrow the Medicis, and procured the assassination of Julio de Medici during the celebration of high mass. Julius II. (1503) was the soul of the League of Cambray, the object of which was to divide the territory of Venetia. Ban and interdict were made subservient entirely to political objects. But to further these objects it was necessary, above all things, to get money, and that by every possible artifice or device. All offices in the Church were sold to the highest bidder. Nowhere than in Rome itself was more ridicule heaped on the simplicity of the faithful, who made pilgrimages to the Church jubilees in the Sacred City, and thought to do honour to religion by dispensations and indulgences, while, all the time, the ostensible purposes for which these taxes were demanded, such as crusades against the Turks, the protection of the bones of martyrs, and so forth, were empty and illusory pretexts, the vast sums thus realised being squandered merely on wars of the papal State, or on providing for the personal expenses of the pope and his favourites. This grasping and vicious policy reached its climax in the Borgias.

Personally, these were not worse than many another Italian dynasty of that time: the terrible mischief was, that this family, with two such members as Calixtus III. and Alexander VI., should be allowed to sit upon the chair of Peter. Nor is there any reason to suppose that a monster like Alexander VI. (1493–1503), who wallowed in every conceivable variety of crime, ever felt what a fearful contradiction his life presented to his dignity and solemn responsibilities as high-priest of the Christian religion. While making his mistress, Julia Farnese, sit for portraits of the Madonna, he thought to obtain the especial protection of the Virgin. He added to the edifice of papal dogma, by declaring that indulgences released from purgatory; and he gave away the new world of America to Spain and Portugal. The Borgias, who upon a temporal throne would be called only children of their time, appear, as popes, the true embodiments of anti-Christ: they were, in fact, as Gregorovius remarks, 'a satire upon a grand scale, or caricature of an ecclesiastical world, which they themselves dishonoured and destroyed.' The election of the Medicis also, in the person of Leo X., produced only so far a change that a more refined sensualism and intellectual pleasures took the place of those coarser forms of enjoyment; while, at the same time, a passion for free-thinking gained ground, which extended to the denial of the fundamental truths of all religion. Roman prelates chattered of the mysteries of Christianity, as the augurs and philosophers, under the Roman emperors, had discussed the symbols of the national worship; and cardinals ridiculed the *Fabula de Christo.*

In this very degradation of the papacy, which had completely renounced the ideas of its most illustrious champions, lay the necessity of a general resistance to its anti-Christian usurpations. The desertion from the mediæval Church first began, not when the Gregorys and

Innocents carried to its highest pitch their claim to a universal monarchy, but when their degenerate successors employed the spiritual power of the hierarchy solely as an instrument to further their worldly and private ambition.

Spiritual decay in the Church

As in all other spheres, so also in the ecclesiastical, the stirring ideas of the middle ages had outlived their vitality. The Church of this age had lost religion, and had proved that internally she was incapable of self-reformation, so long as she clung to her old principles and traditions. Corruption preyed more deeply than ever upon her vitals: the clergy lived, by their immunities, in luxury. The bishops scarcely troubled themselves about ecclesiastical matters, but delegated them to deputies of various kinds. For the ordinary duties of preaching in the cathedral a vice-pastor was appointed. The jurisdiction, so far as it was not in the hands of the archdeacons, was delivered over to official deputies; and other ecclesiastical duties were performed by the suffragan bishops. The religious houses had long abandoned their strict monastic mode of life. They divided with the bishops the property of the Church: their inmates consumed their share in comfortable idleness, and left the services of religion to be performed by monks. Frequently the prebends were united with parochial benefices, and the latter administered by poorly-paid vicars. The highest offices, which, so long as the freedom of capitular election remained, were accessible at least to the lower nobility, who held many of them, fell more and more, through the favour of the pope or the territorial magnates, into the hands of posthumous children of the princes;[1]

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[1] The Court of Rome pretended that the bishops must have the assistance of the prestige and power of the princely houses, to keep the chapters in order; but in reality her object was to combat the national opposition by enlisting the princes in her interest.

The way prepared for the Reformation.

an abuse which provoked the hatred of the nobles quite as much as the fiscal rapacity of Rome had exasperated the people. The longing increased for a real reformation of the Church in her head and members. It had already manifested itself, and that in a positive manner, in the vigorous assaults of Wicliffe and his fellow-champions of Scriptural truth. In addition to that, the principle of State independence towards the Church, in all temporal matters, had penetrated the convictions of princes and people. A third power now arose against the hierarchy, in the humanistic civilisation of the world, with its revival of classical studies, of the examples of ancient statesmen, of the art of the Renaissance, of the philosophy of Plato. The ground was broken for that grand movement of mankind, in which three powerful currents were to unite to effect a genuine and triumphant Reformation of the Church.

CHAPTER XI.

THE REFORMATION IN GERMANY.

Evangelical Tendency of the Age—MARTIN LUTHER—His Cardinal Doctrine of Justification by Faith—His View of Scriptural Authority—His Conception of the Church—His Principles irreconcilable with those of Rome—His Conception of the State—Separation of Civil and Spiritual Authority—Protest against Canon Law—Vindication of Liberty of Conscience—National Character of Lutheranism—The Reformation not a Political Movement—Permanent Nature of the Struggle with Rome.

A TENDENCY pervades all ages of the Church to measure her doctrines and life by the standard of Scripture. This tendency, which at first was paramount and all-controlling, yielded more and more, with the process of development, to the encroachments of tradition. In Augustine, the last and greatest teacher of early Christianity, it appears in immediate opposition to the authority of the visible Church, and to the maxim that membership of that Church is the condition of salvation. With the great migration of nations, and the foundation of the German on the ruins of the Roman empire, the hierarchical feature of Church progress had constantly become more prominent. But in proportion as the hierarchy became absorbed in the passion for self-aggrandisement, and by constantly intermeddling in the domain of politics and civil life, contracted more and more incurably the taint of worldliness, its hostility reverted, with all the greater energy, against the evangelical movement. The key-note, first struck by the Waldenses, was re-echoed with increasing distinctness by the Mystics, by Wicliffe, CHAP. XI.

and by Huss. With this movement, which the Church of Rome knew only to stifle and suppress, the Reformation now allied her forces. Her motive power was not that of Humanism—a power derived from literature and art—active as were those influences on her teaching. Her roots were planted, not in free enquiry, however fearlessly she practised it, but in the conscience of mankind. She addressed herself, not to the great and learned ones of the earth, but to the people at large; and she became for the first time a power by herself, when the matured but tardily-awakened movement concentrated all its energies in the person of one creative genius, Martin Luther.

Martin Luther.

The character and acquirements of this marvellous man peculiarly qualified him for his mission. His was one of those powerful natures, which not only possess an extraordinary measure of mental endowments, but consecrate and exalt those endowments by an inflexible energy of will, and a depth of spiritual feeling, to the dignity of an apostle of mankind. Not in intellect alone, however, did he surpass all his contemporaries: that which first gave to his natural gifts and character their true sanction and irresistible force, was the utter unselfishness with which he made them subservient to a grand moral idea. It was this earnestness of moral purpose that caused him to consume his energies in the task of attaining salvation through the mediating efficacy of the ancient Church. It was this moral and intellectual power that made already one of his teachers predict of the unknown monk that he would confound all the learned doctors of Christendom and reform the whole Church of Rome. It was this that filled even Cardinal Cajetan—himself a man of outward versatility and refined worldly culture—with secret dismay, and made him vow to discourse no longer with 'this beast, whose head has deep-set eyes and is full of marvellous speculations.'[1] And however readily we must acknowledge the services of his fellow-labourers, especially of Melanchthon, still, in all those critical moments which called for real promptitude and action, Luther rests upon himself alone. Without him the whole movement of the Reformation is inconceivable; in him it became personified. Strikingly does Döllinger remark of him—

'There has never been a German who so intuitively understood his fellow-countrymen, and who in return has been so thoroughly understood—nay, whose spirit, I should say, has been so completely imbibed by his nation, as this Augustinian friar of Wittenberg. The mind and spirit of the Germans were under his control like the lyre in the hands of a musician.'[2] It was, therefore, quite natural that, inasmuch as the impulse was given, and the path was cleared by Luther, the Protestant movement in general should be called by his name.

Justification by faith the keystone of his doctrines.

The keystone of Luther's reformation was this,—that he discovered the condition of salvation in the justifying power of faith in the grace of God, as manifested in the person of Christ, not in so far as this faith is a doctrine, but inasmuch as it becomes in man a fact, prepared by the longing for reconciliation awakened by the Holy Spirit, and attested by the life of the believer. Faith, therefore, is a Divine *fact* in man, which, so far as he embraces it, must achieve in him good works, the latter thenceforth being nothing but the necessary utterances of the soul, justified by the pardoning grace of God, so that 'it is as impossible to separate faith and good works as to separate burning and shining in a fire.' But this justifying faith is made a positive verity by its agreement with the Word of God. In the Bible had Luther found it, and to the Bible, therefore, he appealed as the sole standard of faith. And yet this was no new 'paper-pope,' as has been alleged, that he erected. Firmly as Luther believed in the Divine inspiration of Scripture, he was far from admitting that every word of the sacred text had been dictated by the Holy Spirit. This theory of later dogmatism, which would destroy the spontaneity and individuality of the different authors, was wholly alien to his lively sense of personality. He understood well enough to distinguish between the separate books; for the principle of Justification by faith, which he derived from Scripture, afforded him a gauge to test the relative worth of its constituent parts. So far was he, indeed, from an indiscriminate acceptance of Scriptural authority, that while calling the Gospel of St. John the genuine arch-Gospel of the New Testament, he scrupled not to designate the Epistle of St. James—unjustly, it is true—as a mere 'Epistle of straw,' in comparison with those of St. Peter and St. Paul.[1]

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[1] 'Ego nolo,' he said to Staupitz, 'amplius cum hac bestiâ loqui; habet enim profundos oculos et mirabiles speculationes in capite suo.' Myconius, p. 33.

[2] 'Über die Wiedervereinigung der Christlichen Kirchen' 1846,—a refutation of his own previous account of the Reformation.

His view of Scriptural authority.

Nor did Luther regard the Scriptures as the sole and exclusive source of faith; on the contrary, he freely acknowledged the authority of Nature, of history, and of tradition. Firmly adhering to union with the ancient Church, he accepted her symbols, her rites, and her festivals; all that he required was that nothing therein should militate against the rule of Scripture. His pervading and characteristic idea is the harmonious unity of the Divine with the truly human—a unity so necessary in his opinion, that the human ceases to be truly itself, when estranged from the divine. Man is made according to God's image ; sin has destroyed his unity with God ; justification by faith in Christ's redemption re-establishes it. In the Sacraments the divine and natural elements are united by a mystic union, as they were in Christ Himself; and the resurrection of body and soul will bring this unity to its fullness. Consequently the totality of human life, as represented in family, state, church, science, and art, is to constitute an harmonious unity, in which man is to develope in different forms his divine character and substance.

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[1] 'S. Jacobi epistolam non posse dignitate certare cum epistolis SS. Petri et Pauli, sed *Epistolam stramineam* esse, si cum illis comparetur.' Whitaker, after denying at first against the Jesuit Campian the existence of this expression in Luther's writings, discovered the passage quoted above in a 'very ancient preface' of Luther, published in 1525 at Wittenber. See Bayle Dict. 'Luther.'

In thus fixing the mainspring and centre of Christianity in the relation of the individual to God, Luther came into immediate conflict with the Church of Rome. Not that his principles were in themselves at all novel or unknown to her: on the contrary, Luther was firmly convinced that, in advancing them, he was reverting to an original tradition of the Church; nay, so far from contemplating secession at first, he hoped to convince the bearers of ecclesiastical power at that age of the orthodoxy and necessity of his teaching. But his battle against indulgences speedily led to a general conflict with ecclesiastical authority. The Church, or rather the popes, endeavoured to vindicate this traffic by asserting, as a doctrine of faith, that man was justified, not only by his own good works, but by those of others—the so-called saints, whose superabundant merits could be transferred to particular persons by the payment of a sum of money. Faith was made to consist solely in the obedient acceptance of the doctrines of the Church. But on this very point turned the contest between Luther and the Church herself. The latter, according to the Catholic doctrine, is the visible community, founded by Christ, of all the faithful, in which the active operation of purifying from sin and sanctifying mankind, developed in it during His existence on earth, is perpetuated, under the guidance of His Spirit, to the end of the world, by means of an apostolate, instituted by Him, and of uninterrupted duration. The bishops are the direct successors of the apostles. To them are transferred, through ordination and the laying on of hands, the same graces and spiritual gifts which their predecessors received from Christ, and which they, in like manner, transmit by ordination to the priests. The Episcopate is, therefore, an institution ordained by God—the legitimate organ and exclusive vehicle of the Holy Spirit. And since an institution of this kind requires, for the purpose of asserting its unity, a centre, God has placed at the head of the whole Church a supreme overseer, the successor of the Prince of the Apostles, St. Peter, as His sovereign Vicar and representative (*hominem suæ potestatis vicarium et ministrum*), whose further duty it is to govern the Church through authorities appointed by himself. The hierarchy—or the priesthood of the new dispensation—is essential, therefore, for the continuance and completion of the work of redemption.[1] The Episcopate, through its head, thus representing the Church, its decisions on points of doctrine are consequently infallible. The Holy Writ is undoubtedly the source of faith; but the Church is its standard of interpretation; nay, from her it derives in the first instance its authority. She alone administers the means of grace, the sacraments, which operate upon the recipient with a mystic and objective efficacy, irrespective of his personal character or conduct; and for this very reason the separation of the priesthood from the laity is perfected by the doctrine of Transubstantiation, according to which the priest continually repeats the sacrifice of Christ.[1] In contrast to this Church—as the ruler and the teacher—stands the whole world of laymen, simply as the 'hearers and obeyers,' who by passive obedience and the reception of the sacraments, manifest their membership of this institution ordained for salvation.

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[1] As Thomas Aquinas says: 'Sacerdos constituitur medius inter Deum et populum.' Summ. iii. 22.

His conception of the Church.

While now to this human absolution from sin, performed by the Catholic Church through the agency of herself and her sacraments, Luther opposed the principle of justification by the faith of the individual, transferring, therefore, the act of reconciliation to an inward process of the heart, completed by the true believer alone without any human intermediary: he was forced also, of necessity, to arrive at a totally different conception of the Church herself. If personal faith—in other words, the relation of the individual to God—can alone determine his participation in the mercy of redemption, no further ground remains for requiring, as a necessary condition of salvation, his membership of a visible, settled, and organised institution for that purpose. The true believer no longer needs the mediation of a specially authorised class: he is, in fact, his own priest; and therewith the whole theory of the separation of the priesthood and laity becomes at once untenable. Thus Luther declares, in his 'Address to the Christian Nobility of Germany,' 'Man's invention has discovered that the pope, the bishops, the priests, and the monks, are called the spiritual or ecclesiastical state; and that the princes, nobles, citizens, and peasants are called the secular state or laity. A fine story, forsooth; but let no man be terrified by such fictions. All Christians belong to the spiritual state; nor is there any other difference between them than that of the functions which they discharge. We have all one baptism, one faith; and it is this alone which makes the spiritual man or the Christian nation. If there were not a higher consecration within us than that conferred by pope or bishop, no mere consecration of pope or bishop could ever make a priest. The consecration by the bishop is therefore nothing more than this: that, in place and person of the whole congregation, each one of whom possesses equal power, he selects one particular member, and directs him to exercise this power on behalf of the rest. A priest, therefore, is nothing else but an office-holder; he enjoys precedence, because he enjoys office; as soon as he is deprived of office, he becomes a citizen or a peasant like his neighbours. A priest therefore ceases to be a priest when he is removed from office. But men have now invented what they call *charactères indelibiles*, and pretend that a priest after his removal is still something different from a plain layman; nay, they fancy that a priest can never become a layman again, or anything else than a priest. All this talk, and these edicts of theirs, are purely of man's invention. Hence it follows that the clergy and laity, as they call them, have in reality nothing to distinguish them but their functions. They all belong to the same estate, but all have not the same work to perform, and to that extent all of them are not equal.' The universal priesthood therefore, as Luther contended, restores to all mankind the faculty of approaching God without the intervention of a human mediator. It does not exclude the priestly office, but it does exclude the necessity of priestly mediation as an avenue of access to God. The Church, therefore, is not a legal institution standing between Christ and the faithful, but the community of saints and true believers, rendered necessary by the fact that the religious life of man demands a community of religion. 'The Church, however,' as the Apology says, 'is not merely a community, like other societies (*politiæ*), of outward observances and usages; it is the community, above all, of faith and of the Holy Spirit indwelling in the hearts of its members.' Thus, then, the distinction between the visible and the invisible Church, first illustrated by the teaching of Christ and the apostles, reasserts its prominence in Protestantism. As the reconciliation of man with God is altogether an inward transformation, so God alone can know the truly reconciled. These form the real, universal, invisible Church of Christ, the kingdom of God, whose members are dispersed over the whole globe. Those who do not belong to her are they in whom Christ works with no effect (*nihil agit*), even though they be members of the visible Church. That Church can only assert herself in the community of those who acknowledge as their standard the principles of justification by faith and of the authority of Scripture. She proves herself to be the Church of Christ by the pure teaching of the Gospel, and by the administration of the sacraments in conformity with the Gospel. As Luther declares,[1] 'wherever the pure Gospel is preached, there will be known for certain the Christian community. For, just as one recognises by the banner of an army, as by a sure sign, what description of commander and army is in the field, so by the Gospel it will be known where Christ and His army are encamped.' The visible Church can never prevent hypocrites and bad men from wearing her colours, just as, conversely, even where the Gospel and the sacraments have been neglected or abused, there may exist, nevertheless, true believers, the members, therefore, of the invisible Church. But this relation of the invisible to the visible Church involves no mutual antagonism: each, of necessity, postulates the other. The invisible universal Church does not hover like an airy ideal over the various visible Churches on earth; she is as much a reality as the latter, only she is not outwardly perceptible in her members. She, too, can derive her only sustenance from the Gospel and the sacraments, since these are the sole divinely-appointed means of grace for every Christian community; and, on the other hand, it is the natural and necessary aspiration of the visible Church, in so far as her teaching is conformed to Scripture and her sacraments are rightly administered, to melt insensibly into the Invisible. It is, therefore, by no means the case, as Möhler asserts, that in this evangelical conception, the invisible Church is, so to speak, the *prius*, and the visible the *posterius*: the one co-exists with, and postulates the other. The distinction is as far from making the visible Church superfluous, as from converting the invisible one into a Platonic commonwealth.[1] It merely combats two fundamental errors: that of the Sects and Anabaptists, with whom the Church consists only of saints, who can be designated singly as such; and that of the Catholic Church, which considers all who are held together by her institutions as belonging to the true Church, and all who stand outside them as excluded from her communion. German Protestantism recognises, in conformity with this conception of the visible Church, her need of a constitution; since only in definite forms can the inner life of man assert its power on earth. But it resists the assumption of Catholicism, that a definite, external constitution of the Church is of Divine origin; and recognises, on the contrary, any constitution which affords the possibility of Scriptural teaching and the due administration of the sacraments. In the theory, therefore, of the Reformation, a visible Church and a distinct confession of faith are inseparable ideas; for the principle that the Scriptures must be the basis and standard of doctrine becomes objectless where no doctrine exists. But Scripture gives no complete system of doctrine; unity of doctrine can be arrived at by the faithful only by a study of its contents. On the other hand, in Protestantism, unlike Catholicism, the ideas of Church and of a given Church constitution are in no wise necessarily interwoven; on the contrary, the constitution of the Church admits of different forms according to time and place. 'For the real unity of the Church,' says Article VII. of the Augsburg Confession, 'it is sufficient to agree on the teaching of the Gospel and the administration of the sacraments; nor is it necessary that there should be everywhere the same traditions, usages and ceremonies, all of which are instituted by man.'

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[1] 'Sacerdos novæ legis in personâ Christi operatur.'—Thom. Aquin. Summ. quæst. 22.

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[1] 'Grund und Ursache aus der Schrift.'

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[1] 'Neque vero somniamus nos Platonicam civitatem, ut quidam impie cavillantur.' ('Apologia,' 20.)

His views irreconcilable with those of Rome.

On this fundamental distinction between the Protestant and the Catholic conceptions of the Church, all attempts at reconciliation with the traditions of Church authority were bound to shipwreck. Luther had no intention from the very first of breaking with the established Church and founding a new one. All that he desired was that pope and bishops should give the Scriptures free play; in other words, should refrain from opposing the proclamation of those saving truths which he himself had experienced, and in which he saw the crowning consummation of all revelation. But it was precisely that point which the hierarchy could not yield without confessing themselves superfluous; for they boasted of so uniting in their own persons the fulness of the Christian spirit, that all the laity could only attain to it through their mediation. All attempts at reformation before Luther had been directed against isolated abuses of the hierarchy, furnished as it was with absolute and unqualified power. But Luther denied altogether its very title. The issue was now no longer whether the Church should be a papal monarchy or an episcopal aristocracy.

Luther refused to recognise the authority of the councils equally as of the pope; he flatly denied the Divine character of the constitution of the Roman Church, who found it unavoidable, therefore, to expel him from her communion.

His conception of the State.

With this triumph over the theory of the mediæval Church, as the exclusive and all-sufficient institution for salvation, Protestantism adopted of necessity a totally different conception of the State. The hierarchy, which claimed for the constitution of the Church the same Divine authority as for her doctrine, was bound, in consistency, to advance further and assert her superiority over the State. The latter was, therefore, in the hierarchical view, the mere earthly, unholy power, the *Sæculum*; nay, the Prince of this World was called in Scripture the Devil. Not until the State-power had been consecrated by the Church and obeyed her authority, was it purified and made the instrument of higher aims. The empire was only a Divine institution so far as it derived its consecration from the representative of Christ, appointed immediately by God: He alone invested princes with the temporal sword, and these, accordingly, were only his plenipotentiaries. It is true that even Catholic princes, like Henry IV., the Hohenstaufen, Louis of Bavaria, and Philip the Fair, had resisted this assumption; and even at this present day a sovereign of unimpeachable orthodoxy will refuse to admit that he wears his crown as a feudatory of the pope. But though the Church of Rome has practically to accommodate herself to this resistance, she has condemned the principle as recently as in the Syllabus of our day, and must continue to do so if she desires to maintain her original position.

This was the very principle which the Reformation contested; and, in denying the controlling authority of the visible Church, it was bound to dispute the dependence upon her of the State. 'The nonsense,' says Luther, 'which would exalt the papal power above the imperial, is not worth a farthing; and we will tolerate no longer that arrogance, worthy of the Devil, which would make the emperor kiss the feet of the pope or hold his stirrup; still less, which would have him swear homage and allegiance—acts which the popes are impudent enough to demand, as though they had a right to them.' Accordingly, no temporal matters are henceforth any longer to be submitted to Rome, but must be left to the temporal power; for sovereignty is not conferred by the mediation of the pope, but is an independent institution, like marriage and the family, ordained by God. The Gospel does not dissolve the fabric of the State, but cements it, and commands obedience from the subject, an obedience not merely of fear but of conscience. All lawfully ordered civil government is, therefore, equally ordained by God; and no Christian must be hindered from taking part in it or sharing its benefits. 'The ecclesiastical and civil powers,' says the Augsburg Confession,[1] 'are not to be confounded. The ecclesiastical power hath its own command to preach the Gospel and administer the sacraments. Let it not intrude upon another's office—let it not transfer the kingdoms of the world—let it not abrogate the laws of magistrates, nor withdraw from them lawful obedience, nor hinder the execution of judgments touching any civil ordinances or contracts—let it not prescribe laws to governors concerning the form of the commonwealth, since Christ saith, "My kingdom is not of this world." In this way do our teachers distinguish the office of both these powers, and warn all men to honour both powers and to acknowledge each to be the gift and blessing of God. The civil power deals with other matters than the Gospel. It protects, not the souls, but the bodies and

His separation of civil and ecclesiastical power.

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[1] Part II., vii. Art. 28, 'Of Ecclesiastical Power.'

bodily things of its subjects. It defends them against violence from without, and compels men, with the sword and punishment, to observe civil justice and peace.' In this spirit, Luther raised his powerful voice against the theocratic dreams of Münzer and Carlstadt, who, like the Puritans of later days, sought to treat the ordinances of the Old Testament as still valid law. 'The law of Moses,' he said, 'concerns the Jews alone, and is no longer binding upon us, for it was given solely to the people of Israel.' In like manner, acting on his principle of a separation of civil and ecclesiastical power, he exhorted the Grand-Master of the degenerate Teutonic Order in Prussia to put an end to the hybrid anomaly of an ecclesiastico-secular State, and to give a 'grand, glorious, and vigorous example by founding a properly ordered rule, which, without double-dealing or false names, should be agreeable before God and the world.' As for civil government, it fulfils, of course, its mission in the highest sense when it is conducted according to Christian principles. At the same time, its independence does not rest on this condition. On the contrary, the Apology distinctly declares,[1] 'The Gospel brings no new laws on the relations of civil society (*de statu civili*), but commands all men to obey the existing laws, whether made by heathens or any others, just as we must all submit to the seasons and their changes.' Herein, therefore, as in other points, Protestantism reverts to the apostolic doctrine, that all government is of God, and that obedience is due for that reason, in all earthly matters, even to a heathen one. Pointedly does Luther, in his 'Appeal to the Christian Nobility of Germany,' exhort them to take their privileged stand upon the law, against the pretensions of the clergy. 'Thus supported,' he says, 'the Christian civil power shall exercise its functions freely,

His vindication of civil independence.

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[1] viii. 55, 57.

unhindered, and regardless whether it be pope, bishop, or priest whom it strikes. Whosoever is guilty, let him suffer. Whatever the priestly law says to the contrary is a mere fiction of Roman arrogance; for St. Paul says to all Christians, "Every soul"—I hold this to include the pope—"shall be subject to the higher powers" If a priest is killed, the country is laid under an interdict; why not also when a peasant is killed? Whence comes such a huge difference between the same fellow-Christians? Solely from the laws and inventions of man.'

His protest against the Canon Law.

Consistently with those principles of equality, Luther launched his determined protest against the binding validity of the Canon Law; feeling, as he did, with justice that it exhibited an incongruous confusion of matters spiritual and temporal, by attaching a legal sanction to whatever the authorities of the Church had declared to be binding on the conscience. He is ready to acknowledge the validity of Church ordinances, so far as they conflict not with the Word of God; but he denounces as brutal and un-Christian the doctrine that a violation of the Canons entails the loss of salvation. Accordingly, he repudiates the entire canonical legislation on marriage, and separates, with perfect propriety, the civil from the ecclesiastical side of matrimony, by recognising the fact that marriage, as the basis of all family rights, belongs to the dominion of the State, and must be regulated, of necessity, by civil law; its consecration by the Church being merely added as a testimony and confession of its loftier moral attributes. 'Marriage and the marriage state,' he says, 'are civil matters, in the management of which we priests and ministers of the Church must not intermeddle. But when we are required, either before the Church, or in the Church, to bless the pair, to pray over them, or even to marry them, then it is our bounden duty so to do.'

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[1] 'Traubüchlein.'

He speaks out plainly against the celibacy of priests. 'The devil,' he says, 'has persuaded the pope to forbid the clergy to marry;' but the pope has as little right to forbid marriage as he would have to forbid eating and drinking, particularly since the prohibition of marrying contradicts the plain words of Scripture. He calls on the Estates of the Empire to tolerate no longer the papal invasion of their rights, as, for instance, the interdict which silenced Divine service throughout a whole country. He exhorted them not to submit to the taxation of their territories by indulgences, annates, papal months, expectative grants, commendams, reserves, pall-money and such like exactions, nor to the official begging by ecclesiastics, which was practised by the mendicant Orders.

But while Luther thus insisted on the independence and Divine right of the State, it was very far from his object to substitute for the unlimited authority of the mediaeval Church the absolutism of the secular power. The boundaries of civil government are prescribed already by its separation from the ecclesiastical. As the Church is not to interfere in civil matters, so the State has as little right to intermeddle in matters purely ecclesiastical, except where life and property are at stake. 'God cannot and will not allow anyone, but Himself alone, to rule the soul. As to faith, that is a free work; no one can be forced to it. Whenever, therefore, the temporal power presumes to legislate for the soul, it encroaches upon the government of God, and seduces and corrupts the soul. God alone can know the hearts of men; it is impossible and futile, therefore, to command or constrain by violence any man to believe this way or that. Let them command as strictly, and rage as furiously as they will, they cannot force the people further, than to follow them with their mouths and hands. Even should they rend themselves to pieces, they cannot coerce the heart.' Nay, even for open heresy Luther demands liberty of conscience: 'Heretics must be vanquished with the pen, as the Fathers have done, not with fire. If to conquer heretics by fire were an art, the executioners would be the most learned doctors on the earth; there would then be no more need of study, but the man who subdued his opponent by force would be entitled to burn him. Heresy is something spiritual, that cannot be cut out with steel, nor burned with fire, nor drowned with water. Exhort the heretics; do not admit them to your pulpits, that everyone may know to look on them as noxious weeds. "Avoid the unbelievers;" says St. Paul, but he does not tell men to kill them.' Luther, in short, asserts the liberty of conscience in the most unqualified form. Notwithstanding his respect for the higher powers, he shrinks not from attacking, fearless of consequences, sovereigns like Duke George, Duke Hans of Brunswick, and even Henry VIII. of England, when their actions, in his opinion, are contrary to the teaching of the Gospel.

Vindication of liberty of conscience.

There is, therefore, no contradiction or uncertainty whatever in Luther's fundamental conception of the relations of Church and State. He insists only on the special rights of the State and the still higher right of personal liberty of conscience, each within its proper and apportioned sphere. He desires that the Government should govern in a Christian spirit, should feel that it is the organ of the Kingdom of God; but he does not make this a condition of its right to independence. On the other hand, he maintains to its full extent the apostolic doctrine that obedience is due to God in preference to man; and he upholds accordingly the right of passive resistance, whenever the Government, by its regulations, imposes burdens upon the conscience; just as the apostles, martyrs, and fathers of the Church had upheld that right of old against the edicts of the Roman emperors, and just as that right must at all times be vindicated, unless the omnipotence of the State is to be substituted for that of the pope. Well might Luther's fiery zeal burn with impatience against the destroyers of the Church and of the people. It must be owned, no doubt, that with regard to Hutten, he hesitated too much, for a while, in rejecting his schemes, because he saw in that opponent of the papacy, though not an ally, yet a fellow-combatant; but he very soon remembered that a righteous cause can be fought and carried only by righteous means. 'We want swords, bows, javelins, and bombs,' wrote Hutten, 'in order to repel the fury of the devil.' 'I will not resort to arms and bloodshed,' was Luther's reply (January 16, 1521), 'for the defence of the Gospel. By the Word has the world been conquered; by the Word has the Church been saved; by the Word also she will be restored, and anti-Christ will fall without the use of violence.' Hence he refused to lend the support of his moral authority to the enterprises of Sickingen and Hutten, as soon as he detected the revolutionary character of their designs. On that account he declared against the peasants, severely as he condemned the wrongs inflicted upon them. He approved, indeed, of some of the demands contained in their Twelve Articles, but he saw clearly that no Christian community could be established by the tumultuous risings of rebellious masses. Although, therefore, the violent manner in which, later on, he denounced the Peasants' War, may deserve censure, inasmuch as it afforded to the princes and lords, who conceived their secular rights peculiarly endangered by that revolt, the very pretext they desired for the merciless suppression of even the legitimate objects of that movement; nevertheless, in his main principle Luther was completely in the right, because he perceived that violence must prove fatal to the spiritual struggle for liberty of faith and conscience. ~~Hence he was able to say of himself afterwards:~~ 'I have never drawn the sword, but have fought only with my tongue and with the Gospel; and with those weapons still fight against pope, bishop, monk, and priest, against idolatry, error, and sects; and therewith have I achieved more than all the emperors and kings could have accomplished with all their violence and might. I have wielded only the weapon of His Word, and have struck straight at the heart; I have left God to dispose and govern, and the Word to operate. This it is that has made such a hubbub in the papacy, and created therein such a schism. Behold, there, the might of this hero: such a giant is he, that he wants no other weapons but the Word alone.'

But while Luther, by declaring the Word to be the true sword, condemned the use of force or violence as well for the coercion of conscience as for the championship of truth, still he was fully aware that the Word itself can only operate when all men have learned to comprehend it. The Church of the middle ages had created a wide chasm between herself and the people by the use of a foreign and unknown language, and had directly prohibited them from reading the Bible in their native tongue. Much of the active influence of the Mystics was due essentially to their revival of preaching in German. But Luther did not write or speak in common German. His language was a new creation, which combined the virtue of being intelligible to the people, with a soaring enthusiasm that took his hearers by storm, and which blended with High-German the peculiar advantages of other dialects. His translation of the Bible was therefore a decisive step towards the foundation of a uniform German language; and has exercised, together with his catechism and hymns, the most powerful and far-reaching

National character of Lutheranism.

influence upon the entire culture of the nation; so much so, that even those who execrate him as a heretic are forced to think and write in his language. This creation of a new language, of which Agricola declared that God Himself had begun to speak in German, was only rendered possible to Luther by the deep love with which he clung to his fatherland, and by his heartfelt indignation at the manner in which she was plundered by Rome. 'I mean faithfully, and from my whole heart, by the German country,' he exclaims, 'to which God has appointed me. I must take care of poor Germany—miserable, despised, betrayed, and sold—as is my bounden duty to my beloved fatherland.' His words kindled the enthusiasm of Hutten; they called forth the national songs and pamphlets, in which the movement of that stirring time found expression, as, later on, in the caustic satire of Fischart. And as the separation of secular and spiritual power which the Reformation effected, first rendered possible the freedom and independence of nations, so its principle of liberty of conscience could alone give birth to civil and political liberty, for the true Christian, as Luther says, has a noble, lofty, and undaunted spirit; he will exercise his free judgment not merely in the province of religion, but everywhere and on all subjects alike.

Civil liberty fostered by the Reformation.

This propensity of Protestantism to liberty has, as has frequently been shown, nothing in common with democratic sovereignty or revolution; on the contrary, it excludes these, because the liberty of the Gospel binds mankind to the laws of God.

The Reformation not a democratic movement.

And, as against these aspersions of Ultramontanism, so are we bound to vindicate the Reformers against the eulogy of Gervinus, who declares that their principles contained the seeds of democracy, which since then has ripened slowly but incessantly to maturity. The Reformation remained a purely religious movement, even in the eccentricities of fanatical spirits. Münzer, Karlstadt, and John of Leyden put forward their extravagant pretensions, not like the Socialists of our day, in the name of, and as representing the only rational constitution of the State and society, but as a form of theocratic government, revealed and enjoined upon them by God. And on that account even the madness that wished to break with all the precedents of history, bore exclusively the character of religious fanaticism, in which political as well as social revolution was intended merely to serve as the means. There is nothing in the nature of Protestantism itself that must lead to a democratic form of government, as is proved by the examples of aristocratic England, by the patriciate of Holland, by the nobility of the Huguenots. Faithful to its principle of imposing no ordinances on secular matters, it demands no particular form of State and society. On the contrary, it is compatible with any which respects the rights of conscience and fulfils the proper duties of civil authority, and it has prospered equally under the most diverse forms of government. But it remains an everlasting title to glory of the Reformation, that political liberty—which has nothing necessarily in common with democracy—first became possible through its principles, in a manner very different, indeed, to that of antiquity, when the civil importance of a small minority rested upon the dark background of the slavery of the masses. The principles of liberty of conscience and of universal priesthood, which make man inwardly free, lead also involuntarily to outward liberty. A people who no longer feel themselves in the position of an obedient and submissive laity, at the service of a privileged clergy, will refuse to continue any longer in a state of passive obedience to the Government, without any rights of their own.

It is evident that the principles of the Reformation, in their entirety, were diametrically opposed to those on which Church and State had previously rested. If the new order were to prevail and penetrate society, all existing forms of life must be fashioned anew. The question was now no longer one of local and isolated movements; everywhere the conduct and words of Luther awakened spirits like-minded as himself. The Reformation spread abroad on the wings of the storm. But it was only natural that the old order of things, as it had slowly grown up in the course of centuries, and had embodied itself in institutions firmly organised and knit together, should not quit the field without a struggle. The principles of Luther became the starting-point of a new movement of the world, which even at the present day has not reached its termination. The Romish Church was obliged, if she would not surrender her own existence, to take up the challenge against the principles of the Reformers. She did so; she carries on the conflict to this day, and will continue it as long as she exists at all. There may be truces, pauses of exhaustion in the conflict, but no real peace. All well-meant endeavours, such as have been made since the Reformation, to heal the schism in the Church by mutual advances, originate from a want of clearness of perception, and must be lost in the sand without profit or result; for the issue is not about differences of degree and temperament, as between Gallicanism and Ultramontanism, but one which involves an irreconcilable antagonism of nature.

Permanent character of the struggle with Rome.

For the progress of this conflict everything now depended on what resistance the Church of Rome and her adherents should be able to oppose to the Reformation; and how the latter should develope itself upon its own territory.

CHAPTER XII.

PROGRESS OF THE REFORMATION.

Hostility of Charles V. to the Reformation—His Alliance with the Pope—Edict of Worms—Diet of Spire—Zwingli—Calvin—Luther's view of the Priestly Office—Reformation supported by the Evangelical Princes of Germany—Coercive tendencies of the Reformers—Union of Civil and Spiritual Authority in the Princes—Church weakened by State Patronage—Establishment of Consistories—Religious Peace of Augsburg—The *Jus Reformandi*—Territorial Principles in Religion—Zwingli's State Religion—Calvin's Religious State—Protestant Church in France—Confession de Foy—Synodal Constitution.

CHAP. XII.

THE papacy, which about this time had abandoned not only the control of, but all participation in the religious life of the West, could not fail to be taken by surprise, so thoroughly unprepared as it was, by the Reformation. The re-awakening of antiquity which took place in Italy showed no trace of that purifying moral power which classical studies, under moral influences, attest. The Renaissance and Humanism remained, with the exception of isolated minds gifted with profound intuition, like that of Michael Angelo, whose glorious poetry breathes the true spirit of the Gospel, an intellectual pastime, elegant in form, but for the most part pagan in its sensualism.

Luther's teaching unintelligible at Rome.

No wonder, therefore, that the Curia was wholly unable to understand the nature of Luther's teaching. It was perfectly compatible with the fashion of free-thinking then prevalent in Italy to yield an outward homage to the system of Church doctrine, nay, even to enlarge its authority. But for the profound religious faith and the strict morality of the German monk there was no place at

Rome. Nothing there was known of those facts of inward experience, to which Luther appealed. His conception of sin and mercy was regarded simply as extravagant and pernicious nonsense, as is shown in the enumeration of his forty-one errors in the bull of excommunication *Exsurge Domine*[1] (June 15, 1520), which condemned Luther without a hearing, and gave him and his adherents only a term of sixty days to recant. But Rome knew well, with the sure instinct of self-preservation, that in this conflict, now begun, her very existence was at stake; and accordingly she lost no time in invoking the aid of the temporal sword to suppress the growing heresy.

Charles V. elected emperor. A.D. 1519.

At this crisis it was a circumstance of decisive moment that in Charles I., king of Spain, the newly-elected emperor, Charles V., all influences concurred to make him the enemy of Protestantism. Family tradition, as well as personal sympathies, inclined him to the ancient faith. Born and educated in Flanders, he was an utter stranger to the German mind. He was a stranger even to the German language; and, more than all, the centre towards which his policy gravitated was not in the empire. His election had revolutionised the face of politics in Europe. In France the struggle with the great feudal nobles and with England had strained the authority and taxed the utmost resources of the Crown. Now at length the unity of the kingdom was established, and a young and ambitious monarch employed it in furtherance of a grand scheme of policy. Francis I. had exhausted all his efforts to obtain the imperial crown. He had been forced, indeed, to succumb to his rival, Charles V.; but since his failure in Germany the antagonism between France and the Hapsburg power in Spain was a foregone conclusion; and of this Charles was so firmly convinced that he declared he would either become a poor emperor himself or make the king of France a poor man. When to this source of anxiety was added the danger from the Turks in the East, where the victorious Solyman was pushing his conquests, the posture of affairs warned Charles V. to look round for allies. And since, for this purpose, the assistance of the German princes was essential, his sympathies, if only from a political point of view, naturally disposed him to regard with disfavour a religious movement which threatened to disconcert his schemes. It was all the more important to him to preserve a good understanding with the pope, who felt his own position endangered by the Italian policy of Francis I., and had already in 1519, shortly before his election, effected an agreement with Charles. Add to this, that the latter adopted to the full the mediæval theory of the imperial title, as the highest dignity in Christendom. Pope and emperor were to govern the Christian world between them; the source of all mischief, according to his view, lay in the failure of so many princes to pay the proper homage to both these supreme heads. What the middle ages had not succeeded in accomplishing, in consequence of the quarrels between the popes and the emperors, was now to be effected by their union. It was thus the old idea, in its completeness of a universal monarchy, which he wished to re-establish; on a different footing, it is true, to that of the Salian and Hohenstaufen emperors, but founded equally on the principle that, as there was only one true faith, there should only be one supreme power to protect it. In so doing, however, Charles was far from disposed to rest content with playing the part of an obedient son of the Church. As a pupil of the Reformation in Spain, he was not blind to the defects of Rome. He wished indeed to exalt the supremacy over the Church, which his predecessors had exercised within their kingdom, into the

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[1] Lutheri Opp. edit. Jenæ. i. 423. Luther's reply is given in vol. ii. p. 286.

His hostility to the Reformation.

ancient spiritual protectorate enjoyed by the Roman emperor. But the essence of the mediæval Church was to remain everywhere as untouched as it had been in Spain. Accordingly the fiery summons of Hutten to Charles V., exhorting him to place himself at the head of the movement,[1] died away perforce unheeded and without result. The emperor hated the Reformation, and though he might temporise with it, still he never abandoned his intention to suppress it either by conciliation or violence: even in his retirement in the monastery of St. Just, he reproached himself for not having done so at the proper time. True it is that his diplomacy did not scruple to employ Protestantism against the Curia, in order to force the latter to purify the Church according to the pattern of the Spanish Reformation, as well as to wring from the hard-pressed pontiff large secular concessions. When the papal nuncio Aleander arrived at the imperial court with the Bull of excommunication against Luther, the significant answer was returned to him that the emperor would regulate his conduct to the Pope, by the tenor of the pope's conduct towards himself—in other words, by his refusal to support his enemy Francis I.[2] An understanding, however, was effected between them. By the Treaty of Worms, in 1521, Leo X. surrendered Milan and Naples to Charles, who undertook, in return, to suppress the Reformation, and to 'revenge all wrong that had been done to the apostolic see as if the same had been done to himself.' From the day of this alliance dates the edict of outlawry which was issued against Luther; and because the latter was not actually beheaded, the Curia characteristically refused to believe that the emperor

Treaty of Worms, 1521.

Alliance of empire and papacy.

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[1] Luther himself, in his strictures on the Bull of Leo X., had already appealed to Charles V. to oppose the kingdom of anti-Christ.

[2] 'Cæsarem ita se gesturum erga Pontificem, uti se Pontifex erga Cæsarem,' Pallavicini, p. 91.

wished to observe his promise of safe conduct to the reformer, but fancied he desired to reserve him for his own purposes, in order eventually to extort further grants from Rome. Such was, however, by no means the case; the alliance between Empire and Papacy, thus inaugurated by Leo X., was only strengthened by the election, shortly afterwards, of his successor, Adrian VI., the former tutor of Charles V., and grand inquisitor of Spain; and it suffered no interruption even from the temporary disputes of the emperor with Adrian's successors.

For Germany the consequences of this alliance were disastrous in the extreme. The Council of Regency, scarce yet established, was neutralised; the intended convocation of the Diet came to nothing; while, on the other hand, the emperor and pope were not powerful enough to punish the princes who protected the Reformation, still less to suppress the movement itself. At the Diet of Spire in 1526, even the episcopal members of the assembly voted for extensive concessions; and it was finally resolved that in respect of the Edict of Worms, all the princes should so conduct the administration of their States, pending the decision of the proposed Council, as they would have to render an account to God and to the emperor.'[1] By this resolution, the *territorial* principle became now predominant in the sphere of religion; for instead of a renovated Church of Germany, a multitude of new churches were formed, coinciding with the various states of the empire. On the other hand, a new source of dissension arose within the empire itself, and alliances and counter-alliances were formed among the adherents and opponents of the new doctrine. The unity of that imperial system which had been founded on the assumption that the limits of Church and State are co-extensive, was now destroyed; and the reconstruction

Diet of Spire, 1526. Rise of national churches in Germany.

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[1] Sleidan, vi. p. 88.

of its central authority became impossible. The Protestant States looked with distrust upon the emperor as the head of the Catholic party, and sought further to weaken his political power, more especially as this was the sole point in which they met with support from their Catholic co-Estates. Since, moreover, later on it was settled by the Religious Peace of Augsburg (1555) that in matters of religion no resolutions of the majority should be binding on all—while all the wars of the next century were wars of religion—the empire itself remained from that time neutral in all great political questions, and left the territorial princes to take part in them individually, which they did for the most part through the medium of external alliances. Thus originated the series of foreign interventions which began with the support of Philip of Hesse by Francis I., and has only ended in the present day. And like the emperor and princes of Germany, so the other civil powers of Europe sided for or against the Reformation, according as they inclined to the new or the old faith, and favoured or feared the political consequences of the principles of the Reformers. National distinctions fell into the background, and Europe was divided into two ecclesiastical camps. Mischievous as this territorial principle has undoubtedly been in the sphere of politics as of the Church, it cannot be denied that, in face of the hostility of the emperor, the advancement of Protestantism was only rendered possible by the territorial powers, who refused to execute the Edict of Worms. So long as the imperial power wavered in the balance, the movement in the Church allied itself with the movement of the nation. During the critical period between 1519 and 1521, in which the principles of the Reformation were developed, Luther was inclined to act in concert with the Equestrian order, and to give to their activity the basis and support of religious enthusiasm. Humanism at that

Effects of the territorial principle.

time exercised a powerful influence on his mind—an influence derived partly from the writings of Hutten, particularly his edition of Laurentius Valla—and partly from Melanchthon, the intimate friend of Reuchlin; and it was precisely because he took the tide of national thought at its flood, that he attained his eminence as a reformer. It was a tremendous concession, that even his enemies had to submit to negotiate with a heretic.

Luther appeals to the Protestant princes.

When Luther, however, found himself forced to surrender all hope of gaining the emperor, while, on the other hand, his sound sense prevented him from joining Hutten and Sickingen in their now violent conduct; and when, moreover, a social revolution broke out among the Anabaptists and the insurgent peasants, nothing was left to him but to ally himself with those states of the empire which were favourably inclined to the Reformation. And in spite of the territorial dismemberment of the empire, the mere secular power of the State would not have sufficed to stem the ever-swelling torrent of the Reformation. There was a moment when Germany was as good as Protestant. The Venetian ambassador reported in 1557 that seven-tenths of the nation belonged to the Lutheran faith, two-tenths to the Reformed or other sects; one-tenth only had remained Catholic. Switzerland, the Netherlands, France, England, Scandinavia, and Hungary were seized by the movement, and it had showed itself even in Italy and Spain. If, then, a conflict between the old and new doctrines was inevitable, the combatants were not so unequally divided. The disparity was first created by the dissensions, on the one hand, in the Protestant camp itself, and, on the other, by the fact that even among the leaders of the Reformation, their organising talent for giving life and practical effect to their ideas was not commensurate with their gift for asserting the principles of religious truth. And with these elements

CHAP. XII.

of weakness, inherent in the Reformation, coincided a regeneration of Catholicism, which in the latter half of the sixteenth century, abandoned her previous attitude of defence, and succeeded in reconquering no inconsiderable portion of her lost dominion.

Ulrich Zwingli. 1484–1531.

This is not the place to examine in detail the differences of dogma between the Lutheran and the two Swiss reformed Confessions; suffice it to remark, that these differences substantially result from a divergent conception, on either side, of the common principles of the Reformation. Luther began by attacking indulgences and justification by works; he insisted, above all, on the inner relationship of the individual to God, and, consistently with this, made that relationship the condition of belonging to the true, universal, invisible Church. As for the visible Church, his intention was simply to purify her, as she existed, from all that openly contradicted the Word of God; not until that effort had proved impracticable did he proceed to organise a new visible Church, endowed with a constitution, provisional at first, and afterwards definitive. Zwingli's stand-point was very different from this. Unlike Luther, his training and antecedents were not purely ecclesiastical, but had been formed in the circle of the Humanists, who gathered round Erasmus at Basle. Nor had he Luther's respect for tradition. From the very first he wished to break with the Roman Church, and to reject everything which could not be plainly proved from Scripture. His primary aim, moreover, was different from that of Luther. It was the regeneration of the Swiss republic through the Gospel. To have confronted the masses, demoralised as they were by mercenary soldiering, with Luther's preaching of the liberty of the Christian man, and of the universal priesthood, would have been senseless and unmeaning. What they needed was a severe exposure of sin, a stern call to repentance, to obedience to the commands of God, and to strict discipline; and these the visible Church alone could give. Although in principle, therefore, Zwingli, quite as much as the German reformers, developes the idea of the invisible Church, yet practically he lays all stress upon the visible one, as the only instrument capable of educating man to holiness. This fact explains in substance the difference in the theories of the sacraments entertained by the two Reformers. While Luther made their true significance consist in the communication of Divine gifts to the individual by the grace of God, through the medium of the elements, and understood the Holy Supper to represent the identity of the Divine and human nature in Christ, Zwingli perceived in the sacraments only symbols of Church fellowship.[1] Differing, therefore, from the German view, as expressed in the Augsburg Confession,[2] he understands the symbols of the sacraments as purely earthly and material, and makes the Communion of the Body and Blood of Christ consist simply in the community of the partakers; the individual, by his participation, confessing his membership of the Church, and promising to live according to her faith and doctrine.

We may condemn, therefore, the violence of Luther's polemics against the Zwinglian doctrine of the Eucharist; but a superficial view alone can reproach him with actual inconsistency. For, in truth, those Swiss reformers had a totally different spirit. Least of all did it escape the penetrating eye of Luther that every schism in the movement of Reformation must become a source of weakness in the conflict with the papacy; and nothing but his profound conviction of truth could determine him to cling inflexibly to what he recognised as right doctrine.

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[1] 'Signa et ceremoniæ, quibus se homo ecclesiæ probat aut candidatum aut militem esse Christi, redduntque ecclesiam potius certiorem de tuâ fide quam te.'—Zwingli, Opp. iii. p. 231.

[2] Art. xiii. 'De usu Sacramentorum docent, quod Sacramenta instituta sint, non modo ut sint *notæ professionis inter homines*, sed magis ut sint signa et testimonia voluntatis Dei erga nos, ad excitandam et confirmandam fidem in his, qui utebuntur, proposita.'

John Calvin.

The case is different again with Calvin, who belongs to the second generation of Reformers. 'The first outbreak of the Reformation,' says Hundeshagen, 'was over; the foundations of Protestant dogma were already laid.'

Calvin's work, masterly as was its character, was simply a systematic and precise digest of religious elements, which had long been in circulation, and had become the basis of practical embodiment. Undoubtedly, however, the impress of Calvinism upon the Protestant Church was peculiarly its own, and destined to stamp its character on a special form of Churchdom. A greater enemy to tradition than Zwingli himself, he insists even more rigidly than his fellow-countryman or Luther upon the strict letter of the Bible. Never, as Luther had done, would he have affirmed a distinction to exist between the books of Scripture according to their relative worth. The whole Bible to him was something absolutely authentic in itself (*αὐτοπίστον*), which dare not be subjected to criticism (*demonstrationi et rationibus*). Kampschulte is therefore perfectly right in saying that in the Calvinistic theory 'Christianity becomes almost like Islamism, a religion of the Book; and withdrawn from all the influences of history and philosophy, it stands there complete, once and for ever, in doctrine, constitution, and life, and chained to the literal record of Scriptural revelation.'[1] To Calvin the Scriptures are all-sufficient, not merely for the knowledge of salvation, but also for the external fabric of Christianity. He admits, therefore, for the constitution also of the Church, a basis of his own construction, chosen as the only one consonant with Scripture; and for this purpose the Old Testament plays a far more prominent part with him than with Luther, who rejected the application of the Mosaic law to modern times. But the doctrine which governs his whole system, quite as much as Justification by faith governs that of Luther, is Predestination. If the salvation of man can only be achieved through Divine grace, then, according to Calvin, it rests solely upon the free-will of God whether he is to participate in salvation or not. An eternal decree of God has preordained what is to become of every man. All are not created on equal terms: some are predestined to eternal life, others to eternal damnation.[1] Not all the Calvinistic churches, it must be admitted, especially those in Germany, have accepted this doctrine; at least not in its utmost rigour. But certain it is that it pervades the whole positive divinity of Calvin, and Kampschulte[2] pointedly and correctly remarks that his doctrine of the Last Supper is only the logical sequel of Predestination, since the elect alone receive with the external symbol the inward gift of grace. Although, therefore, Calvin agreed with Luther in condemning the Zwinglian conception of the sacraments as unscriptural and profane, and admitted a miraculous and personal, though purely spiritual communication of Christ, still the difference between him and the Lutherans remained very considerable. And quite as considerable is the influence of the doctrine of Predestination upon Calvin's conception of the Church. The true Church is, of course, the invisible Church, which embraces the whole body of the elect. These God alone knows, and man, therefore, cannot distinguish them from the non-elect, mixed with whom they form the visible Church. But since in the visible

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[1] 'Johann Calvin, seine Kirche und sein Staat in Genf.' 1869. Vol. i. p. 260.

His doctrine of Predestination.

His exclusive theory of the Church.

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[1] 'Prædestinationem vocamus æternum Dei decretum, quo apud se constitutum habuit, quid de unoquoque homine fieri vellet.'—*Inst.* iii. c. xxi. § 5.

[2] *Ibid.* p. 263.

Church alone we can recognise the invisible—in other words, come in contact with the elect—it follows that participation in the visible Church is a necessity and a condition of salvation. The difference between this and the Lutheran theory is clear. While, according to the latter, the communion in the invisible Church of the true believers is distinctly made the sole condition of salvation, the invisible Church of Calvin is the kernel and quintessence of the elect, which can only be reached through the outer covering of the visible Church. If, therefore, the Church of Calvin is distinguished by its strenuous assertion of the theory that only by a perfect, moral life of the community can the elect give outward and practical expression to the power of the Word; and if it proceeds accordingly to realise that ideal by a strict code of moral discipline; nevertheless, it cannot be denied that Calvin, by maintaining that salvation is nowhere to be found outside the visible Church—in other words, of course, outside the Church of Calvin—relapses into the pure theory of Catholicism.

These opposite ideas as to the position of the individual towards the Church, and the signification of the visible Church itself, differing, as they did, according to the concrete relations in Central and Northern Germany, as opposed to Switzerland, led now to corresponding varieties of opinion as to the constitution of the Church and her position towards the State.

Luther's visible Church.

I have already observed that the invisible Church of Luther is in no respect an ideal, but a thoroughly real one. On the other hand, it is evident that, inasmuch as God alone can know her true members, her theory, so far as regards the constitution of the visible Church, is purely negative. The positive aspects of that constitution are as follow:—As for the unity of the Church, it is quite sufficient to agree upon the teaching of Scripture and the administration of the sacraments; so unity in the manifestation, and therefore in the confession of the faith, together with a consistent conduct of daily life, must form the first and chief foundation of an Evangelical Church, whilst, unlike the Catholic Church, it requires no homogeneity or unity of constitution. But unity of confession, or a creed, presupposes a community of those confessing; for the individual simply confesses his belief aloud, that he may unite with his fellow-worshippers and regulate his relations with them accordingly. The *community of confessors*, therefore, is the keystone and basis of every Protestant Church constitution; and the collective aggregate of such communities, no matter how variously constituted, forms the Church. It is essential, however, to observe that the community of the Church, viewed by itself, has no necessary connection with that of the State. As Church life finds its first development in the local community, the latter also must form the first nucleus of the visible Church; and its proper organisation requires, from the first, the offices of teaching and administering the sacraments (*ministerium docendi Evangelii et porrigendi sacramenta*)—functions to which Luther expressly limits the priestly office, in opposition to the Catholic theory of the clergy as the pastors and rulers of the flock. Agreeably with this limitation, the call to the priestly office[1] is not the result of an act which, like ordination among the Catholics, confers upon the person so called a Divine capacity for office, and which, if repeated by the Lutherans, would create anew a privileged class; but it is made simply for the sake of good order and convenience. The minister is appointed by the community, each member of which, by virtue of the universal priesthood, has an equal right to the office, though all cannot exercise it—for the sake of teaching the Gospel and administering the sacraments. 'A priestly class in Christendom,' says Luther, 'must be nothing more than office-bearers. Such office is nothing more than a public ministry, entrusted to an individual by the whole community, because that which is common to all none can take to himself without the will and command of the community.'

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[1] 'Nemo debet in ecclesiâ publice docere aut sacramenta administrare nisi *rite vocatus*.'—*Confess. Aug. Art.* xiv.

In the clearest manner, therefore, Luther separates the *class* from the *office*. The priestly class he repudiates altogether. To the dignity and administrative powers of the office he firmly adheres; but, in the true spirit of apostolic times, he refuses to make the office-bearer the master of the community; insisting forcibly on the right of the latter not only to elect their minister, but to exclude, if necessary, a member from their communion. To this conception of *community* and *office* Luther has invariably remained faithful in principle. The notion that he had been led to adopt it by the War of the Peasants and the excesses of the Anabaptists is utterly erroneous, and is refuted by the Augsburg Confession, of much later date, which faithfully reflects the views expressed in his earlier writings. On the contrary, Luther substantially approved of the demand of the peasants, 'that the whole community shall elect its own priest;'[1] though obviously none but an organised and properly constituted community is fit to undertake such election. When Luther said that some should be chosen from the general body, to exercise office on behalf of the community, he could certainly not have been thinking of the unbridled masses, who perverted the universal priesthood into the liberty of the flesh, and the license to do as they pleased; but of such an organisation as should guarantee the election of men to the office who were qualified for it, in preference to others, by their superior culture and personal character. Accordingly, he separates the case when no appointed preacher of the Word is at hand, and when everyone—as Stephen, Philip, and Apollos had done—may preach who feels himself qualified, from that where an organised Christian community already exists. 'The law of the community demands, however,' he says, 'that one, or as many as are convenient to the community, shall be elected and accepted, who in the place and name of all the members, equally situated as to rights, shall publicly perform this ministry; so that the terrible evils of disorder may not arise among the people of God, nor that Church become a Babylon, in which all things are to be done "decently and in order."'[1]

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[1] 'Dass die ganze Gemeyn soll ein Pfarrer selbs erweelen und kyefen.'

Sensible, however, as was Luther of the importance of ecclesiastical government; fully aware, as he was, that the Church needed something more than the spirituality of the Reformation to ensure her proper working as an institution, he was far too cautious and practical a reformer not to see the mischief of precipitation. It was an act of signal wisdom on his part that he abstained, in those stormy and excited times, from resorting at once to an organisation which he foresaw would soon degenerate, under the existing conditions of society, into factions. In his 'German Mass,' published in 1526, he laments his want of proper ministers for that purpose. 'Real evangelical assemblies,' he says, 'do not take place in a pell-mell fashion, admitting people of every sort; they are formed of serious Christians, who confess the Gospel by their words, and by their lives.' But he adds: 'I cannot at present institute such assemblies; for I have not the proper persons to place in them; if the thing becomes possible, I shall not be wanting in this duty.'[2] The same practical sagacity induced him to dissuade the Landgrave of Hesse against giving effect to the synodal constitution of the Church, which had been prepared by the enthusiastic young Francis Lambert, little disposed as Luther was personally to object to that constitution on its merits.[1] He saw, in fact, that the moment was inopportune. 'To prescribe,' he says, 'and to execute are two things widely different. Laws seldom succeed which are put too early into use and practice: they must first fashion themselves; after that it is easy to arrange and execute them.'

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[1] Letter to the Senate and people of Prague.

[2] Richter 'Kirchen-Ordnungen,' p. 36.

Equally incorrect is the notion that Luther's theory of the relations of Church and State betrayed a change of principles. Certain it is, that he conceives the vocation of civil government as that of a Christian one, though, as has been already mentioned, he does not base upon that condition the duty of the subject to obey. But in no respect does he concede to this Christian government the right of regulating the ordinances of the Church. When, in his 'Address to the Christian Nobility of Germany,' he says, 'Forasmuch then, as the secular power is baptised with us, and has the same faith and gospel, we must let its members be priests and bishops, and count its office as one, which is convenient and useful to the Christian community'; it is clear that Luther is claiming for the government no rights over the Church, but simply mentions, by way of example, that ecclesiastical functions may be conferred by that community upon one member of the body politic ~~as well~~ as on another. In the Augsburg Confession, also, as indeed before that, the independence of Christian from secular authority is most emphatically asserted. No one knew better than Luther and Melanchthon how important it would have been for the independence of the Church to preserve the continuity of episcopal power, if only that power would have left the Gospel free,[1] instead of arrogating a Divine right, such as in England as in Scandinavia attached to the office of bishop. But since in Germany not only did the prelates, with a few solitary exceptions, belong to the most determined enemies of the Reformation, but even the Protestant princes were afraid to abolish the old bishoprics or transfer their diocesan rights to evangelical pastors—nearly all the bishoprics being parcels of, and therefore guaranteed by the empire—nothing, therefore, now remained to the leaders of the Reformation but to lean for support on that power in which alone they found safety, and which, from the turn events had taken, was alone able to protect them against the tyranny of the emperor and the turbulence of the masses. They looked, in short, to the evangelical states of the empire. That these governments should interpose the civil arm against 'discord, faction, and revolt,' lay quite within their proper scope and province. That they should regulate the expenditure of the revenues of the suppressed monasteries upon the maintenance of pastors and school-masters, and should organise the education of the people, was unquestionably their lawful right; and the Reformers therefore did very wisely in assisting the territorial princes in such matters with their advice. Moreover, they expressly guarded themselves, in so doing, against allowing the regulations of these princes to be imposed as 'strict commands,' or tolerating the issue of 'new papal decretals.' Luther himself was only one of several others who were appointed

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[1] This constitution was decidedly democratic—a reaction, possibly, as D'Aubigné remarks, against the opposite hierarchical extreme. Its fundamental principle was the self-government of the Church; not a word is said in the prologue of either State or Landgrave. (See Schminke, 'Monumenta Hessiaca,' ii. p. 588 sqq.)

The Reformation supported by the evangelical states.

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[1] Thus Melanchthon writes (*Ep. ad Camerarium*) 'Utinam, utinam possim non quidem dominationem confirmare, sed administrationem restituere episcopalem.'

to superintend the visitation of the Churches. It is true that a passage in one of his letters, written on the occasion of the Saxon electoral visitation, is highly significant, as ominous of future errors. In that letter he strains the right of the government to prevent schism so far as to extend it to the suppression of differences of doctrine, 'just as the Emperor Constantine summoned the bishops to Nicæa, because he neither would nor should tolerate the schism among Christians created by Arius, but held them firm to agreement in doctrine and faith.[1] Melanchthon even contends that the magistrate, who bears the sword, should forbid heresies—in other words, godless doctrines—and should punish heretics, their authors; allowing, however, the voice of the Church to be first heard in cases of doubt or difficulty.[2] And in another passage he declares, in plain terms, that the ultimate aim of the State is the establishment in human society of the true knowledge of God. Hence his unfortunate description of government as the guardian of the two tables of the Law—a description false, in the first instance, for this reason, that it presupposes the bearers of civil power to be really pious and right-minded Christians. In these opinions of the Reformers, due to the influence of Augustin's writings, we find a manifest desertion from their former avowal, so correctly expressed, that heresy is a spiritual matter, in which worldly power has no right to interfere. In other respects, however, they adhered in

Coercive tendencies of the Reformers.

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[1] In connection with these opinions of Luther, it is only fair, of course, to take into consideration the meagre knowledge of history at that time. Constantine still stood in the light of a Christian emperor, as represented by tradition.

[2] Richter, 'Evangel. Kirchen-Verf.' p. 78. The Book of Instruction issued to the commissioners appointed for the visitation well deserves perusal. Lay Protestants, whose opinions were found incorrect, were subjected to a course of instruction, and if they persevered in rejecting the truth, were ordered to quit the country within a given time.

substance to their original theory, namely, that the practical direction of ecclesiastical affairs, imposed by circumstances upon the State, was in no way to be regarded as a right inherent either in the government or its subjects. In that sense Luther conceded to the princes the character only of provisional bishops, when he declared that the elector, in his episcopal capacity, was not to be held responsible to secular authority.

Mischievous union of civil and ecclesiastical authority in the princes.

In spite of these precautions, however, the fact became more and more established, and Luther himself, though supporting in principle the separation of the two powers, was forced to allow, that one and the same person might exercise both of them separately. It cannot be denied that, according to Protestant principles, this union of separate authority in one and the same person is possible *in thesi*. But it is equally certain that such a union is impossible in practice, that it can only end in the mischievous domination of the Church by the State, and that, therefore, it must also be false in principle. If the supreme episcopacy is not an office of the Church, it has no right to govern the Church in her internal affairs; if it is an ecclesiastical office, how can it be hereditary, and pass, like the Crown, to a wicked or profligate monarch? Both Luther and Melanchthon had a presentiment of this evil, and frankly expressed their apprehensions. 'I see already,' writes Melanchthon, in a letter lamenting the impossibility of maintaining the episcopal power, 'what kind of Church we shall have after all ecclesiastical constitution is dissolved. I see in the future a tyranny more intolerable than has ever existed before.' And Luther says, 'Satan remains Satan. Under the pope he pushed the Church into the State; now he wishes to push the State into the Church.' But if Luther was sensible of the evil, he underrated the difficulty of removing it; and when he went on to say, 'however, by the help of God, we will resist this, and strive like men to keep both callings distinct,' he had yet to prove that the problem could be solved by good intentions, however manly and confident of success. No doubt the crude and chaotic condition of many Church communities presented serious obstacles to their independent organisation; but it is none the less certain that Luther allowed himself to be too easily deterred from the attempt by the failure of the Reformers at Wittenberg, Leisnig, Magdeburg, Orlamünde, and other places. Because the Protestant cause appeared to prosper under the conduct of the civil government, he abandoned even later all attempts to increase the independence of the various national Churches; and left them mutually devoid of any organic union, such as alone would have made them, for the first time, a genuine Church. It is no disparagement to Luther's greatness, frankly to confess that he, who succeeded in restoring to the light of day the long-imprisoned Truth, was not equally gifted with the talent of giving it a practical shape and embodiment. At the same time it is difficult to deny that, by this very union, daily more closely riveted, of the civil and ecclesiastical powers in the person of the territorial princes, the true energies of the Reformation in Germany were first nipped in the bud, and then blasted. The function of the government to watch over the purity of doctrine and worship grew, between 1530 and 1540, from a temporary and makeshift expedient into an established principle of duty. The right of the spiritual community to co-operate in the election of their ministers and in the discipline of the Church—a right insisted on by the Reformers themselves—either fell altogether into desuetude, or passed over, as was the case particularly in the cities of the Empire, to the civil community. In this manner, as Hundeshagen pertinently observes, there were created

Want of cohesion among the Protestant Churches.

Their degeneration into State-Churches.

only parishes, but no communities deserving the name of Churches. Their members, like those of the Catholic Church, sank into a purely passive position, and retained only a modicum of rights in places where, as in Hesse, the influences of the Calvinist party still survived. This degeneration into a State-Church was all the more to be lamented, since it was utterly alien to Lutheranism, which, in opposition to the theory of Calvin, granted the freest scope and liberty in the formation of a Church constitution.

Establishment of Consistories.

With the year 1540 this tendency assumed a definitive shape by the establishment of *Consistories*, and from that time to this it has governed the Lutheran Church in Germany. The Consistories were collegiate councils, composed of jurists and theologians, who, after the model of the official episcopal tribunals, were intended originally to exercise ecclesiastical jurisdiction, so far as was generally deemed necessary or suitable, in accordance with Protestant principles. Their competence, however, rapidly extended to the general government of the Church, outside of the rights reserved by the ruling princes; and accordingly the earlier appointed ecclesiastical *superintendents*, whose duty, analogous to that of bishops, had been to supervise the larger communities, were soon subordinated to the Consistories. The mixture of jurists and theologians in the latter promoted the constant enlargement of their field of activity, by transferring to them functions which, according to the plainly-expressed principles of the Reformers, belonged not at all to the Church, but to the State. It became now a circumstance of peculiar importance that, as early as the beginning of the Reformation, those jurists who favoured the movement had displayed no small repugnance against Luther's attacks on the obligation of the Canon Law, which he had burned in the same bonfire with the Papal Bull of excommunication. The former had been accepted concurrently with the Roman Law, and had influenced the formation of the Common Law, and especially the course of procedure, not only in ecclesiastical, but also in civil causes. Accordingly the fundamental rejection of its validity necessarily led to a serious interruption of the continuity of law, particularly as no compensating element was introduced to supply the gap thus made.[1] Although at this time even the Canon Law was not recognised as exclusively binding whenever—as, for instance, in its assertion of the sacramental character of marriage—it conflicted with the cardinal principles of Protestantism, still, so far as it supported the extension of spiritual jurisdiction, its authority was repeatedly invoked. For this very reason the Consistories, which the Elector of Saxony had appointed, in the first instance, at the request of the Wittenberg divines, for the adjudication of matrimonial causes, soon excited the secret anxiety of Luther. He feared that, from this confusion of Divine and secular law, grave mischief might ensue to the Church. And this fear was justified, in proportion as the authority of the Consistories, composed, as they were, in a great measure of jurists, became enlarged. By degrees they assumed the right of maintaining the purity and unity of doctrine and worship; of ensuring regular attendance at church and reception of the sacraments; and in cases of proved irreligion of pronouncing the ban of excommunication against the offender—all of which duties the Reformers had expressly reserved for the joint action of the religious community. Civil punishments likewise awaited the excommunicated, such as the withdrawal of licenses from artisans, and the deposition of persons holding office; nay, the local sovereign had it in his power to inflict only secular punishments of that kind. Obstinate offenders were

Their encroachments on ecclesiastical jurisdiction.

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[1] Stintzing Ulrich Zasius, p. 218.

kept in prison until they promised to amend or quit the country: Church discipline became a system of secular police.

These principles prevailed beyond the limits of consistorial jurisdiction. Even in the duchy of Prussia, where the Consistories had not been introduced, but where the government of the Church was committed to two Evangelical bishops, the territorial sovereign was the protector of the purity of the faith. It was thought, that just as the poisoning of wells was prohibited by law, neither should the poisoning of souls be permitted; and the precedent of the kings of Israel was appealed to, as those who punished idolatry in their subjects. All this was an utter relapse into the false principle of Theocracy, which would make the State maintain orthodoxy and religious life by secular means, and punish sin as a crime. Similarly, the Church Constitution of Palatine Deux-Ponts of 1557 lays it down distinctly as the first duty of the territorial sovereign to provide his subjects with the doctrine of the Gospel 'pure and undefiled.' 'Next to, but not before that, he is to institute and maintain, in the temporal government, and for the preservation of temporal peace, useful ordinances and regulations.' The State therefore, took upon itself independently the task which formerly it had exercised only under commission from the hierarchy, and ecclesiastical government became a branch of the civil.

This result, meanwhile, was greatly furthered by the course of the political struggle, on the one side, between the old Church and the Imperial power; on the other, between Protestantism and the Protestant States of the Empire. The decree of the Diet of Spire, by its provisions above-mentioned, had given protection, it is true, to the cause of the Reformation, but simply on a territorial basis. After that the convocation of an impartial council, demanded by the Evangelical States of the Empire, having been frustrated by the Pope and Charles V., and the attempt of the Emperor to suppress the Reformation by force having proved equally abortive, a conclusion was finally arrived at in 1555 by the Religious Peace of Augsburg. This famous compromise provided that no subject of any State of the Empire should be injured or molested on account of his adherence to the Augsburg Confession. All other sects or denominations, however, were expressly excluded from the benefits of this peace,[1] whose provisions accordingly were limited to the contracting parties, the States of the Empire. The right of reformation (*jus reformandi*), as it was called, now formally recognised, was nothing new in principle, but simply placed the new relations on the old footing—namely, that the exercise of religion depended on the judgment of the local government. Henceforth, as in the Middle Ages, the civil power was to watch over the maintenance of the true faith. As to the territorial princes, the adherents of the Augsburg Confession enjoyed coequal rights with those of the Catholic or old religion; and the penalties attaching to subjects not confessing the religion of their prince were mitigated by the substitution of banishment from the country (*beneficium emigrationis*) for the former and more severe punishments imposed on heretics. All this, unquestionably, marked a considerable advance against the exclusive pretensions of Catholicism. The exemption of the Protestant States from the authority of Pope and Council; their admission, on equal terms with the Catholics, to the appointment of members of the

Religious Peace of Augsburg.

The *jus reformandi*. Pernicious consequences of territorialism.

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[1] This did not exclude the Reformed, who at that time adhered to the Augsburg Confession. It was not until 1561, at the Conference at Passy, that the adherents of Calvin rejected some of its articles, particularly the one 'De Cœnâ Domini.' At that Conference the name of Calvinists originated.

Imperial Chamber; the suspension of ecclesiastical jurisdiction within their territories, were important objects to have achieved. But side by side with this religious liberty conferred on the States of the Empire the compact recognised, as a binding obligation, the religious dependence of all mediate States and subjects on the territorial prince. Although the Augsburg Confession, therefore, when adopted as the religion of the State, was acknowledged to confer an equality of rights upon its followers, irrespective of any subsequent change of religion by the sovereign; although also the Protestants retained the confiscated property of the Church, subject to the clause to be explained hereafter, and known as the Ecclesiastical Reservation; still the effect of vesting the right of reformation in the ruling prince was practically to deprive the subject of all liberty of conscience. Whatever religion—whether Protestant or Catholic—his sovereign chose to introduce, the subject was forced to accept. *Cujus regio, ejus religio.* The immediate consequence of this principle was the dismemberment of the one Protestant Church of Germany into as many fragments as there were Lutheran States of the Empire. Henceforth an organic development of the Church, in its integrity, became a sheer impossibility. Clerical as well as lay subjects were exposed to the arbitrary will or mere caprice of the territorial prince, or to the accidents of dynastic change. Under such conditions it was inevitable that, whatever creative energy and spirit of reform the Protestant Church of Germany possessed should rapidly verge to utter exhaustion.

Cujus regio, ejus religio.

In Switzerland the Reformation, starting from a different application of first principles, arrived much earlier than in Germany at a mutual fusion of Church and State. Zwingli, in his contest with hierarchical principles, was led to reject entirely all ecclesiastical authority. The Church, in his view, presented simply the spiritual, the State the

Reformation in Switzerland. Zwingli's State-religion.

secular, side of the same Christian commonwealth. Hence he arrived, by a natural process, at the idea of a Christian government in this sense—that no government should be tolerated which is not Christian, and does not direct its conduct by the exclusive standard of the Gospel. Hence also, notwithstanding his original proposition that no compulsion is allowable in matters of religion, he advanced to the very questionable conclusion that while, on the one hand, a Christian government—if such it be in reality—should be entitled to punish those whose actions contravene the Word of God, and to conduct the affairs of the Church; on the other hand, a government which is not really Christian degenerates into a tyrannical power, which its subjects have the right to oppose. He forbids, indeed, for this purpose the use of insurrection, murder, or civil war. He would simply expel elected governments by not re-electing them; but where this cannot be done, he maintains, by appealing to precedents in the Old Testament, the right of the nation to resist. If subjects, he declares, bend the knee before a wanton tyrant, they also share his punishment. Here, then, there is no struggle, as in Germany, for the independence of the new Church; but her whole organisation proceeds from the State. Accordingly, Zwingli took his seat in the cantonal council of Zürich; and thence he organised, through his influence, the whole Swiss Republic, 'in order,' he says, 'for the sake of God, to assist our Lord Christ to resume once more His rule in our land.' At Berne, where a general Edict of Reform was published in 1528, the government of the Church was conferred on the Great and Lesser Councils. At Basle the Senate, yielding to the popular movement, conceded simultaneously democracy and the Gospel; but the worthy Œcolampadius failed in his exertions to secure the self-government of the Church; all that was done being a resolution passed in 1531 by a

Diet of the four Reformed cantons, that whenever any difficulty should occur with regard to doctrine or worship, a meeting of Divines and laymen should be convoked, in order to examine what the Scriptures said on the matter.[1]

Calvin's religious state.

At Geneva substantially the same result was arrived at, though in a different manner. Calvin recognised in principle Church and State as two independent orders. 'He who knows,' he said, 'to distinguish between the body and the soul, will have no difficulty in perceiving that the spiritual kingdom of Christ and civil government are things very widely separated.'[2] The State, in his view, is an indispensable and Divine institution. Everyone must obey the government, even should it rule unjustly, so long as it restricts itself to the sphere of outward life. Only when it impugns the honour and prerogatives of God does an exception to this duty of obedience occur; for the State has no rights over the conscience. 'We are subject,' he says, 'to the men who rule over us, but subject only in the Lord.'[3] In contrast to the State, as an institution, Calvin places that of the Church, composed, according to his theory that the Scriptures are all-sufficient, not only for doctrine but for constitution, of four distinct offices, arranged on a purely Scriptural pattern. These were the Teachers (*doctores*), whose occupation consisted simply in the interpretation of the Word; the Pastors (*pastores*), whose duty it was to preach the Word and administer the sacraments; the Presbyters, who, with the advice and assistance of the teachers and pastors, conducted the discipline of the Church; and the Deacons, who were charged with the care of the poor and sick, and other duties of like nature. The collective authority of the Church was vested in a General Assembly of the community, each member of which derived from Scripture a sufficient source of illumination, and which was charged with the election of its office-bearers.[1]

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[1] Hottinger, iii. 554.

[2] 'Spirituale Christi regnum et civilem ordinationem res esse plurimum sepositas.' (*Inst.* iv. 20, § 1.)

[3] *Ibid.* iv. 20, § 32.

This fundamental separation—or rather distinction—between Church and State is practically revoked, however, by Calvin's demand that, as the Church is bound to assist and support the government by the preaching of Christian virtues, so the State, whose true foundation is the religiousness of the people, should recognise the duty of admitting the penetrating influence of the Church, of promoting her efficacy in every way, and of assisting directly in the work of extending the Kingdom of God. Calvin, in pursuing this idea, arrived at a religious State, just as Zwingli, on his part, developed the theory of a State-religion. While the latter delegated the guidance of Church and State to the Christian government, at Geneva the State was placed under the guidance of the Church and of her spiritual head, Calvin.[2] In conjunction with Farel, he began by compiling, in twenty-one articles, a Confession of Faith,[3] 'to give,' as Beza says, 'some shape to the newly-established Church.' This confession, together with a scheme of ecclesiastical polity, which claimed among other things the power of excommunication for the Church, was adopted by the Council of Two Hundred, and afterwards ratified on oath by the assembled citizens. The severity of these enactments, so distasteful at first to the gay Genevese, provoked an opposition so strong that Calvin was forced to leave Geneva. But a reaction soon set in; and when he returned in triumph in 1541, his first act was to revive, with increased rigour, his scheme of Church-government, now fully developed in his 'Institutes.' A commission, acting under his direction, prepared for this purpose the *Ordonnances Ecclésiastiques de l'Eglise de Genève*, which were finally accepted by the General Assembly on January 2, 1542,[1] and were intended, as a fundamental law of the Church, to convert the republic into a theocratic State, after the model of Israel. The civil power is charged to take care of the external government and welfare of the Kingdom of God. But as regards the nature of this duty, it must submit to the instruction of the Church; so that in reality the State simply executes what the Church has sanctioned and determined. Although Calvin denied to the Church herself the right to employ secular means of punishment or coercion,[2] the State at Geneva employed those means under commission from the Church.[3] Inasmuch as false

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[1] 'Habemus ergo esse hanc ex verbo Dei legitimam ministri vocationem, ubi ex pòpuli consensu et approbatione creantur, qui visi fuerint idonei. Præesse autem electioni debere alios pastores, ne quid per levitatem vel per mala studia vel per tumultum a multitudine peccetur.' *Ibid.* iv. 3, § 15. The notion that this constitution is the only one consistent with Scripture has been amply refuted by Vitringa, as a member of the Reformed Church.

[2] In the protocols of the Lesser Council, which Kampschulte examined, the expression occurs regularly—'It was resolved to consult M. Calvin.'

[3] *Confession de Foy, laquelle tous les bourgeois et habitans de Genève et sujectz du pays doivent jurer de garder et de tenir.*

His Ecclesiastical Ordinances.

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[1] Kampschulte, p. 259. They consisted of no less than 168 articles.

[2] 'Neque enim jus gladii habet ecclesia, quo puniat vel coerceat, non imperium, ut cogat, non pœnas alias, quæ solent infligi a magistratu. Deinde non hoc agit, ut qui peccavit, invitus plectatur, sed ut voluntariâ castigatione pœnitentiam profiteatur.' (*Inst.* iv. 11, § 3.)

[3] The civil polity consisted of the General Assembly of the citizens, which formed the chief depository of political power; the Council of Sixty; and, after the union with Berne and Friburg in 1526, the Council of Two Hundred. Besides these there was the ordinary Executive Council of Sixteen, with the addition of the four magistrates, or syndics, elected annually by the General Assembly, the four ex-syndics, and the city treasurer.

doctrines corrupt Christian society, the State was bound not to tolerate them. Accordingly, Catholics were expelled; and heretics—in other words, those who rejected or in any way opposed the accepted confession of faith—were punished like criminals. Anabaptists were flogged; persons suspected of heresy were tortured, if they refused to confess; three men, who had laughed during a sermon, were sentenced to imprisonment. A code of civic ordinances, compiled in a like spirit as the ecclesiastical, applied the same rigorous method to the relations of social life. Adultery was punished with death; a woman was to be burned for singing immodest songs. Between 1542 and 1546 no less than fifty-eight persons were sentenced to death, and seventy-six to banishment. When, in 1553, Servetus was burned at the stake for denying the Trinity, there was little left to distinguish the intolerance of the Council from that of the Inquisition.

But with all these vast powers of the Church, exercised through the medium of the criminal law, her independence was largely prejudiced by the transfer of rights strictly appertaining to herself to the jurisdiction of a political assembly. The Lesser Council confirmed the appointment of ministers nominated by the clergy; and not until this sanction was obtained were they presented to the community for approbation—a mere form, which practically annulled, for that reason, the principle of general election, established by Calvin himself. The twelve lay elders of the Consistory—the supreme tribunal of the Church [1]—were chosen solely from the Council of

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[1] The Consistory included six pastors. One of the syndics was properly its president, but Calvin himself held that office during his life. The other Church court was the Venerable Company of Pastors; but their functions were limited to examining and ordaining candidates for the ministry. This preponderant admixture of the laity was imitated by the Church of Scotland.

Two Hundred and the Council of Sixteen, viz. two from the former and four from the latter; and though nominated by the ministers, were elected by the Council. A similar disregard to the community was shown in all ordinances of Church discipline. Calvin himself was in no way blind to these deviations from his principles, but on March 14, 1542, soon after the acceptance of his Ordinances, he wrote, 'We have now an ecclesiastical tribunal and such a form of religious discipline as these troublous times will allow.'[1] And in fact, notwithstanding these evident defects, his work left its stamp on the history of the world. The secret of this success lay not in any conscious sympathy, on his part, with insurrection against the constituted civil authorities, such as might stimulate political malcontents in other countries, but in his steadily refraining from hierarchical tendencies, and pursuing—with a gloomy and rugged severity, no doubt—but with perfect consistency of purpose, a grand moral idea. The energy of the Swiss Reformer converted an undisciplined and disorderly multitude into that peculiar religious State which, acting on inward conviction, erected the most inflexible system of morality into a code of civil law, and by straining to the uttermost all the moral forces at its command, and profiting by the mutual jealousy of other Powers, such as France, Spain, and Savoy, maintained its national independence, in the forcible language of Ranke, as a 'warlike-religious borderland on the confines of a hostile world, equally apt for purposes of attack or of defence.' Although Calvin failed in that which the German Reformers had been unable to realise—namely, to secure a moral and ecclesiastical government through the medium of a presbyterian constitution—he made Geneva the starting-point and centre of a movement which has exercised the most far-reaching influence and effect, especially in those countries where any fusion of Church and State was impossible from the hostility of the reigning family to the Reformation, and where, for that very reason, the original principles of Calvinism could acquire a purer form and reality.[1]

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[1] Kampschulte, p. 259.

Reformed Church in France.

Such was peculiarly the case with the Protestant Church in France. She was not only unsupported, as at Geneva, but persecuted by the State. She had therefore to rely upon herself entirely for her organisation. Calvin and his friends were, it is true, in close communion with her; they freely proffered their advice and provided her with ministers, since France still offered few opportunities for clerical education; but they asserted no claim to any guidance or control. When, now, the number of Protestant Churches, in spite of persecution, continued to increase, the idea of an organic union impressed itself upon their members; and in 1559 the first National Synod at Paris, consisting of deputies from all the Churches in France, and assembled, as Beza says, 'pour s'accorder en unité de doctrine et discipline conformément à la parole de Dieu,' established a confession of faith and a common Church constitution. This *Confession de Foy*, which, in respect of dogma, adheres to Luther and Calvin, has this peculiarity, that it contains also directions for the govern-

Confession de Foy, May 28, 1559.

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[1] 'Il subordonna,' says M. Mignet in his paper on *The Reformation at Geneva*, read before the Académie des Sciences Morales et Politiques, 'l'Etat à l'Eglise, la société civile à la société religieuse, et prépara dans Genève une croyance et un gouvernement à tous ceux en Europe qui rejeteraient la croyance et s'insurgeraient contre le gouvernement de leur pays. . . . Le Calvinisme, religion des insurgés, fut adopté par les *Huguenots* de France, les *Gueux* des Pays-Bas, les *Presbytériens* d'Ecosse, les *Puritains* et les *Indépendants* d'Angleterre. Expression, sous une autre forme, du grand besoin de croire avec liberté qu'éprouvait alors le genre humain, il fournit un modèle et un moyen de réformation aux peuples dont les gouvernements ne voulurent pas l'opérer eux-mêmes, sans être toutefois assez forts pour l'empêcher.' (*Ed. Rev.* cxxxi. p. 140.)

ment of the Church, and prescribes the presbyterian form of constitution as the only one compatible with Scripture.[1] This instrument of Church doctrine is supplemented by the *Discipline Ecclésiastique*, which proceeds to perfect, in forty articles, the fabric of the ecclesiastical constitution, based, as it professes, on a strictly Apostolic model. The elders and deacons elect the minister, and present him to the lay community, which has the right of protest, subject to appeal to the Provincial Synod.[2] With him, and under his presidency, they form the Consistory, or ecclesiastical Senate, which is charged with the government of the local Church.[3] Twice in every year the ministers, together with at least one elder or deacon of each Church of the province, are to meet for deliberating on matters of grave moment or on appeals.[4] The keystone of the edifice is the General Synod, to which, by a subsequent regulation, each Provincial Synod is directed to send one or two ecclesiastical delegates, and as many elders, and whose president is elected in the same manner as at a Provincial Synod. This *Discipline Ecclésiastique*, therefore, embodies an excellent practical organisation of the Church; since, on the one side, the election of ministers is left not to the general body, who retain a simple right of protest, but to the Provincial Synod; while, on the other side, the domination of the community by its minister is made impossible by the latter being made responsible for every act to the consentient vote of the lay members of the Consistory. Thus, then, this organisation, compared with that of the Genevan Church, exhibits the remarkable advance of a Synodal union of the various congregations. The General Synod is reserved for extraordinary occasions; the centre and nucleus of the system are the Synods of the different provinces.[1] As an intermediate link between the Consistories and the Provincial Synods there were introduced, in 1572, the Colloquies—composed of two deputies from each Consistory of a certain district, which met every three months and decided on matters of common interest, besides passing censure, when necessary, on the office-bearers of the Church. In this well-ordered organisation, quite as independent of the State as it was mindful of civil rights, and continuing, with more or less modifications, down to the revocation of the Edict of Nantes, a pattern and example are given which no Protestant Church, that desires to maintain her own rights against the State, and yet not to become a mere Church of the clergy, can venture to ignore, when she comes to elaborate her constitution.[1]

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[1] Art. XXIX.—'Quant est de la vraye Eglise, nous croyons qu'elle doit estre gouvernée selon la police que notre Seigneur Jésus-Christ a establie, c'est qu'il y ait des Pasteurs, des Surveillans et des Diacres.' [Here, therefore, the *doctores* of Calvin are already omitted.] . . . . Art. XXX.—'Nous croyons tous vrais pasteurs, en quelque lieu qu'ils soyent, avoir mesme autorité et égale puissance sous un seul chef, seul souverain et seul universel Evêque, Jésus-Christ, et pour ceste cause que nulle Eglise ne doit prétendre aucune domination ou seigneurie sur l'autre.' . . . Art. XXXI.—'Nous croyons que nul ne se doit ingérer de son autorité propre pour gouverner l'Eglise, mais que cela se doit faire par élection, en tant qu'il est possible et que Dieu le permet.' (Beza, *Hist. des Eglises réform. en France*, edit. 1580, vol. i. p. 182.)

[2] Art. VI.—'Que les Ministres seront esleus au Consistoire par les Anciens et Diacres, et seront présentés au peuple, pour lequel ils seront ordonnés; et s'il y a opposition ce sera au Consistoire de la juger; et au cas qu'il y eust mescontentement d'une part ou d'autre que le tout sera rapporté au Concile Provincial, non pour contraindre le peuple à recevoir le Ministre esleu, mais pour sa justification.'

[3] Art. V.—'Que les Ministres et un Ancien ou Diacre pour le moins de chacune Eglise ou province s'assembleront deux fois l'année.'

[4] Art. XX.—Les Anciens et Diacres sont le Sénat de l'Eglise, auquel doyvent présider les Ministres de la parole.

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[1] Art. XXXIX.—'Nulle Eglise ne pourra rien faire de grande conséquence, où pourroit estre compris l'intérest et dommage des autres Eglises, sans l'advis du Synode Provincial.' (Beza, *ut supra*, p. 190.)

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[1] The remarkable history of this work is told by Dr. Heppe. (*Zeitschrift für histor. Theol.* 1875, p. 506 *sqq.*) He says truly, that the assembly was full of the Apostolic spirit, deliberating in the name of God, so unanimous that the members had only to speak out what everyone thought in common, and despising the terrible dangers that menaced them from without. Calvin had the chief part in drafting the Confession, which he sent to Paris by three adherents, and which was little changed. (Opp. Calvini. vol. ix., Proleg. p. lvii–lix. ed. Baum.)

CHAPTER XIII.

THE STRUGGLES OF THE REFORMATION.

Reforms of Adrian VI.—Fruitless Attempts at Compromise by Rome—Contest of Charles V. with the Protestants—Reactionary Policy of the Vatican—Order of the Jesuits—Their Services utilised by Rome—Council of Trent—Question of Episcopal Infallibility—Advantages gained by Rome—Ferdinand I. and the Pope—Suppression of Protestantism in Italy—In Spain—In the Netherlands—In France—The Huguenots—Gallican Reaction under Henry IV.—Views of Church and State—Mariana—Protestantism in Germany—Counter-Movement of the Jesuits—Protestant Sympathies of Maximilian II.—Reaction under Rudolf II.—Degeneracy of the Lutheran Church—Episcopal Power of the Sovereign—Formula of Concord—Protestant Disunion—The Reformation in England—Anglican Church of Elizabeth—Ecclesiastical Legislation—Dissenters—Anti-Catholic Policy of the Queen—War of Independence in the Netherlands—William the Silent—The Reformation in Scotland—Knox's First Covenant—Popery abolished by Parliament—First and Second Books of Discipline—Settlement of 1592.

CHAP. XIII.

Reforms of Adrian VI.

THE Vatican, having failed in its first attempt to strike down the Reformation with the ancient weapons of coercion from the armoury of the mediæval Church, now resorted to a change of tactics. Leo X. died in 1522, and was succeeded by Adrian VI., of Utrecht, the former tutor of Charles V. The new Pontiff had been nursed in the principles of the Spanish Reformation, and wished to extend them to the whole Church. He was a man of serious temperament and strict morality, and had been elected for that very reason, since it was felt that a man of that character was necessary for the Apostolic chair. At his enthronisation the Cardinal-Bishop of Ostia openly confessed that the Church had shown manifold defects under the last Popes, and called on Adrian to 'reform these maladies, so far as the times would allow, by

Councils and the Canons, in order that she might have the outward appearance of a holy Church instead of a brotherhood of sin.' And Adrian proved at once that he accepted the task in full earnest. He abolished the sumptuous court and household of his predecessor; he re-established order at Rome; and, more than all, he co-operated with the general of the Augustinian Order in a project for the genuine purification of the Church. The magnitude of the schism had opened his eyes to the corruption of the Catholic clergy; and he instructed his legate to reply to the Hundred Grievances of the German nation, submitted to him by the princes at the Diet of Nuremberg in 1522, by frankly avowing that everything in the Church was perverted to bad, and that the sickness had descended from the head to the members.[1] Adrian lived too short a time to carry out his plans; but twelve years later a memorial of nine Roman prelates, suggested by Paul III. himself, plainly declared that the theory of Papal absolutism over the Church had been invented by sycophants, and was the source of all the widespread corruption that had inundated the Church. But the day of compromise was past, nor could any such language of conciliation avail to bring about an agreement with the Reformers. Rome at that time would willingly have made great concessions, in respect of excrescences of dogma and ritual, if only Luther and Melanchthon had consented to surrender their Church principle, and recognise the Divine authority of the hierarchy and the supremacy of the Pope. But precisely these points the Reformers could not yield, more especially as, by the

Fruitless attempts at compromise by Rome.

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[1] 'Scimus in hac sanctâ sede aliquot jam annis multa abominanda fuisse, abusus in spiritualibus, excessus in mandatis, et omnia denique in perversum mutata. Nec mirum si ægritudo a capite in membra, a summis pontificibus in alios inferiores prælato descenderit.' (*Raynaldus ad ann.* 1522.)

presentation to the Emperor of the Augsburg Confession in 1530, they had established in its integrity the Evangelical creed. Accordingly, the flattery and the threats of the Papal legate in his interviews with Luther proved equally unavailing. The breach was too great to be healed by conferences, disputations, or attempts at compromise. With the religious conference at Ratisbon in 1541 the dilatory policy of overtures to the Reformers came to an end. At that meeting the Papal representative, Contarini, in his desire to re-establish Church unity, had made considerable advances to the Germans; but his admissions were disavowed at Rome as going too far.

Diet of Ratisbon, A.D. 1541.

Meanwhile ominous clouds were gathering also on the secular horizon. With the presentation of the Augsburg Confession the Reformation had reached its spiritual zenith. Its most determined enemies were overpowered by so convincing a demonstration of Scriptural truth. A number of Catholic princes, and even Hermann, Elector and Archbishop of Cologne, and the Bishop of Augsburg, were gained over to the Confession; the Duke of Bavaria himself was wavering.[1] Everything, for the Reformers, depended on making full use of the favourable moment for achieving religious liberty, and to this end Luther repeatedly urged his exhortations. When these attempts failed, and when the Emperor and the Vatican sought to prolong the matter by negotiations, his prophetic mind foreboded mischief. The Diet concluded with an unsatisfactory resolution, not accepted by the Evangelical States. The Empire was divided into two hostile camps.

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[1] He observed to Eck, after the Confession had been read aloud, 'You have formerly told me very different things about this faith: can you refute this Confession by sound argument?' 'Not from the writings of the Apostles or Prophets,' replied Eck, 'but certainly from those of the Fathers and Councils.' 'Well, then,' said the Duke sharply, 'the Lutherans take their stand upon the Scriptures, and we take our stand by their side.'

Policy of Charles V.

The policy of Charles V. during these commotions was guided by the course of events. At first, the situation did not allow him to interfere in a decisive manner between the contending parties. The Reformation continued to spread, and he was forced to content himself with persecuting it in the Netherlands by the Inquisition. But he had never abandoned his twofold project of compelling the Pope to remove the abuses in the Church, and of restoring Germany to the position of a Catholic Power. Protestantism he not only hated as heresy, but feared as a political foe which threatened the unity of the Empire, besides involving the danger of an alliance between the Evangelical princes and France, and favouring the designs of the Sultan. At length, in 1545, his supremacy in Europe seemed so firmly established as to enable him to proceed to the execution of his twofold scheme of policy. The refusal of the Protestant princes to consent to the intended Council of Trent, on the ground that both the place and the assemby foreboded the advancement of Papal authority, gave him a pretext to pronounce the ban of the Empire against them; and, in the war of Smalcald, which now broke out, the assistance of Maurice, Duke of Saxony, enabled him to terminate the campaign by the decisive victory of Mühlberg (April 24, 1547). The triumph, however, was only temporary, nor such as Charles had designed. Maurice, after long soliciting in vain the liberation of his father-in-law, Philip of Hesse, espoused the cause of his fellow-Protestants against the threatened liberties of Germany, and compelled Charles, at the Treaty of Passau, to give peace to the Protestants, and to assemble a Diet within six months for the determination of the long religious contest. The result, which

His contest with the League of Smalcald.

Maurice, however, did not live to see accomplished, was the famous Peace of Augsburg.[1]

Reactionary policy of Rome.

Nor was Charles more successful with Rome in his projects of reform. Paul III., under the pressure of political difficulties, had at length consented to the Council so long demanded, and had convoked it to meet in 1545 at Trent. But he obstinately resisted all attempts of the Emperor to effect the reformation of the Church. Meanwhile, after Caraffa's influence had triumphed over Contarini, the Papal policy veered round to one of inflexible restoration.

Inigo Loyola, 1491–1556.

The most characteristic symptom of this change was the foundation of the Order of the Jesuits. Ignatius, or more properly Inigo Loyola, the son of a Spanish nobleman, was born in 1491. Nursed in the traditions of Spanish-Catholic chivalry, and a soldier by profession, he was crippled by a cannon-shot received at the defence of Pampeluna against the French. Confined by his wound to the sickroom, the study of a book on the 'Lives of the Saints' convinced him of the wickedness of his previous life.[2] After terrible struggles and penitential castigations, he formally dedicated himself, body and soul, to the service of the 'Blessed Mother of God,' and imitated the laws of ancient chivalry by enlisting himself under the standards of spiritual warfare. With a view to effect the conversion of the East, he made a pilgrimage to the Holy Land; but finding that learning was indispensable for his spiritual objects, he began in his 33rd year to learn Latin, and afterwards went to the Universities of

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[1] See *supra*, p. 335. The Catholics regarded this compromise as the only means to check the progress of the new faith. The Archduke Charles declared, in a letter to Philip II., that, without this Peace, Catholicism would have become extinct in Germany. (Gachard, *Corresp. de Philippe II.*, vol. ii. p. 59.)

[2] M. Ritter, *Ign. v. Loyola bis zur Stiftung des Jesuitenordens.* (Sybel, *Histor. Zeitschrift*, 1875.)

Salamanca and Paris. Untouched by the Gallican tendencies of the Sorbonne, he wrote his *Spiritual Exercises*—a collection of precepts, according to which the exercitant has to attain to union with God by a solitary training of his spirit on definite principles of action. He admitted the necessity of studying the Bible in the original language, but prescribed a preliminary study of the scholastic theology and the obligation to defend the text of the Vulgate. In Paris he won a few adherents to his ideas, and now for their propagation formed the plan of founding an Order. Its constitution shows that the personal views of the founder became the laws of the Society. Filled with a burning and unselfish zeal for the faith, to a gloomy and fanatic spirit he added inflexible energy of will and a vast talent for organisation. His starting-point was this, that the principle of Catholic authority must die directly Rome condescended to prove her title and to enter into argument with heretics; that the Pope, in short, could only maintain his position as Vicar of Christ by having the power to compel unconditional obedience. As a champion of ecclesiastical absolutism he founded the 'Company of Jesus.'[1] In this respect he deviated from the principles of the Spanish Reformation, which, so far from aiming at closer relations with the Pope, sought rather to strengthen the independence of the bishops. Loyola, on the contrary, discarded all national considerations, and devoted himself entirely to the service of the Universal Church and her head. To this principle he gave expression in his 'Constitutions,' by superadding to the ordinary vows of secresy and fidelity to the Order the injunction that every member of the Society was bound in duty to devote his life, in unqualified obedience, to the constant service of Christ and of His representative the Supreme Pontiff of Rome, and to comply with everything that the existing Pope should command with regard to the salvation of his soul and the propagation of the faith. The intention, therefore, of Loyola was not to found a new monastic order, but to create an institution which, by arming its chief with the strictest powers of discipline, should combat all enemies of Papal absolutism and represent the Church militant. Hence the double-meaning title of the 'Company of Jesus.' *Compañia* was, at that time, the technical expression for a division in the Spanish army. This ecclesiastical body-guard of the Pope, completely officered, and trained to obey one commander, was intended to operate like a military corps, and to represent the cause of the whole Church—to be, in fact, the fighting power of Jesus.[1]

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[1] The most recent account of the organisation and history of this Order is given by J. Huber—*Der Jesuiten Orden*, Berlin, 1873—a work, on the whole, impartially compiled. The most important documents are contained in the *Institutum Societatis Jesu*, Prague, 1757, 2 vols.

Organisation of the Jesuits.

The machinery of this Society was admirably adjusted to correspond with and carry out the objects of its founder. By a long course of education, consisting chiefly of spiritual exercises, by systematically conducted meditations and self-scourgings, it was intended to temper the feelings and imagination to an absolute submission to the authority of the Church and of the Order. Each member is made the supple tool of his superiors. At their head is the General (*præpositus generalis*), invested with almost absolute power: the Jesuit takes his oath 'to God and to the General, His representative.' To prevent the possibility, however, of his abusing that power to the detriment of the interests of the Society, the General also is subjected to control. While he nominates singly all officers at discretion, decides on the open or secret admission or expulsion of members, and has actually the power of admitting persons convicted of crime, provided that the crime is beneficial to the Society, he is attended by a Council of Supervision, consisting of four assistants, the monitor, and the father-confessor. These watch over his conduct, and convene the general congregation at his death, or should his deposition become necessary. He dare not abdicate, nor even leave Rome except in company with a member of the Council of Supervision. In this manner the organisation acquires the most perfect aptitude for offence, by practically utilising, and yet controlling, every power that is capable of serving it. Again, just as the individual Jesuit surrenders unconditionally his judgment, his conscience, and his inclinations—nay, is forced to stifle his love for his blood-relations as an affection of the flesh, in order to live exclusively for the interests of the Order—in like manner the Order itself is wholly engrossed in the service of the Papacy. It was for the sake of this solidarity of interests that the Popes thought it safe to confer such vast privileges on the Society, privileges which frequently were at variance with the constitution of the Church. Paul III. (1534–49) granted to them the right of altering their constitutions or statutes, as time or circumstances might dictate, and even of making new ones, which he ratified beforehand; and Pius V. (1566–72) conferred upon them all privileges which had ever been, or might thereafter be, given to any other order, with the additional provision that their own were never to be abrogated. In this manner the Society was virtually withdrawn even from Papal control, and acquired the power of emancipating itself from the Curia, as soon as the latter opposed it, or a Pope introduced displeasing innovations. The condition, in short, of its absolute devotion to the Holy See came to this, that the

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[1] The French clergy and the Sorbonne protested against the pretensions of an order which claimed by this name the representation of the Church.

Their early independence of Rome.

latter should obey its guidance and dictation. In vain did Paul IV. (Caraffa) and Sixtus V. endeavour to restrict their power, when it grew inconvenient to the Papacy. In vain did the Spanish Jesuits themselves remonstrate against the tyrannical government of the greatest politician of the Order, their general Acquaviva, at Rome. When, in the 17th century, the Jesuit missionaries in China were accused by the Dominicans of having introduced heathen rites and superstitions into their worship, and the Pope sent a cardinal to examine into the matter, the latter was received with scorn, and thrown into prison, at their instigation, by the Portuguese. Nay more, when Innocent XI. (1676–89), who was sensible of the injury inflicted on the Catholic cause by the doctrine of Probabilism, developed to its extreme by the Jesuits—that is to say, the system which converts what is *probably* right into the standard of moral conduct—had procured the election of their general Gonzalez, who shared his views, the Order refused to submit, and contrived to checkmate their own superior through the controlling authority of the Council of Supervision and by means of repeated accusations. The Order, in fact, had become a State within the Church.

Their services employed by the Curia.

It was clear that a Society thus constituted, undertaking, moreover, as it did, with great devotion all other ecclesiastical duties, such as preaching, gratuitous instruction, confession, and missionary enterprises, was the very instrument of attack to be employed against heresy; and heresy the Curia was using every effort to suppress.

Meanwhile, since the Council, so long demanded by the princes, had become inevitable, the great question for Rome was how to conduct its proceedings, for that reason, in such a manner as to cause the least possible detriment to the Papal power. The task which lay before that assembly was one of immense difficulty. All the earlier Councils and Popes had only had single burning questions to deal with in their decisions. Now, for the first time, the whole dogma of the Church, her constitution, her ritual, and her discipline, had to be determined. A new edifice, in other words, had to be constructed, of materials dispersed over more than a thousand years, not one fragment of which could be rejected, though the decisions of Popes and Councils abounded in mutual contradictions.

Council of Trent, 1545–63.

At length, after a tedious delay, and protracted negotations with the Emperor, Paul III. summoned the Council to meet at Trent; and on the 13th of December, 1545, it was declared to be opened with twenty-five prelates. The minority, small in numbers, who, under the leadership of Cardinal Pole, were ready to concede a qualified assent to Lutheran principles, with regard to justification by faith and the authority of Scripture, were soon worsted. Nor can it be denied that the majority were perfectly logical in their proceedings. It was false tactics on the part of the Catholics to try to defeat the Reformers by an appeal to Scripture: their sole hope of success lay in making the authority of tradition explicitly co-ordinate with that of the Bible. As to what tradition consists in, is a question to be decided not by historical investigation but by the infallible doctrinal office of the Church. The proposition to make a full statement of all traditions was rejected under the pretext of want of time, but in reality because the proof was wanting to substantiate the various traditions. And what proof, indeed, could be produced for the withholding, for instance, of the sacred cup from the laity, when Christ Himself declared 'Drink ye all of it'—which was done, in fact, even late in the middle ages. The Roman Church would be in an awkward position, if she had to prove that her doctrine and discipline were founded on the Bible and on Apostolic usage. Her principles can only be defended by erecting a standard of her own creation by the side of historical tradition; the

Church deciding what is to be believed by the faithful from the vast mass of tradition.

This, in fact, was the position assumed by the Council of Trent. In direct opposition to Protestantism, the Council confirmed the articles of Catholic doctrine of the co-ordinate validity of tradition with Scripture, of the exclusive right of the Church to interpret the sense of Scripture, of the authority of the Latin translation in preference to the original Hebrew and Greek, of the merit of works, of sin, of justification, and of the sacraments. The Council recognised, therefore, the hierarchy, which was based upon the doctrines thus confirmed. It was only through the persevering pressure of the Emperor and the Spanish bishops that the assembly proceeded to publish the decrees of reformation, such as those which imposed upon the bishops the duty of residing at least for six months of the year in their dioceses, and laid down rules concerning the episcopal visitation of cathedral chapters, the supervision of the monastic orders, the plurality of benefices, Papal dispensations, and other matters of Church discipline. From that time the Vatican sought the earliest possible opportunity to dissolve the Council. Paul III., after recalling his legate from the Imperial Court, removed the assembly in 1547 to Bologna, where, in defiance of the emperor's protest, it was virtually dissolved.

Still less could any agreement be effected when, after a resumption of mutual overtures between Charles V. and the Pope, the Council was reopened in 1551, at Trent, in the presence of ambassadors from the Protestant States of the Empire. At the news of the victory of Maurice of Saxony, and of the Emperor's flight from Innspruck, the Council suddenly broke up.

A.D. 1551.

January 15, 1562.

When it finally reassembled, in 1562, the face of Europe was completely changed. The Religious Peace of Augsburg, which followed the Treaty of Passau, had assured to the Protestants a position of independence.

Henceforth the proceedings of the Council applied only to members of the Church of Rome. Yet even in this Catholic assembly there arose, directly the articles of doctrine were discussed, far-reaching and important demands, put forward in particular by the ambassadors of the secular Powers. France insisted on the wine at the Eucharist being given to the laity, on the Mass being celebrated without the adoration of the Host, on the use of the popular language in Divine service, on the abolition of the worship of images. The Emperor of Germany demanded further that the clergy should be allowed to marry. The French invoked the authority of the old tenet of the Sorbonne, that the Council was superior to the Pope. The Spaniards, while rejecting that tenet, maintained the Divine origin of the bishops, and the right of episcopal investiture independent of the Holy See.

Demands of the civil Powers.

The voting, however, at Trent was not conducted, as at Constance, by nations, but by heads; and the Italian bishops, who were most numerously represented of all, were in no way disposed to submit to such demands. Characteristically enough, the first decree of the reassembled Council (February 26, 1562) was the one which prescribed, in ten articles, the suppression of prohibited books.[1] These articles confirmed the condemnation of all books proscribed either by Pope or Council up to 1515,

Prohibition of heretical books.

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[1] Sess. XVIII. The earliest prohibition of this kind by the Council of Carthage had been issued against the pagan classics. Constantine afterwards assumed this censorship against particular authors of heretical doctrines, and his example was followed by Martin V. in his Bull against Luther and his writings. But the vague denunciations of his successors—such as the Bull *In Cœna*, levied against all heretics and their works—bred confusion, for the heretics not being condemned by name, the question of heresy was left to be judged by the nature of the book. This uncertainty was largely remedied in Spain by the diligence of the inquisitors, whose catalogues were printed by Philip in 1558. These compilations formed the basis of the Index prepared in the following year by Paul IV. (See Sarpi, Brent's trans., ed. 1620, p. 472.)

and condemned all heretical writings published after that date. No one was allowed to read the Bible in the vernacular, except by special permission from the bishop or inquisitor. The printing of all books was subject to the same approval. The book-shops were to be visited from time to time; and the sellers and buyers of prohibited writings were liable to heavy punishment. If any person had brought a book into a town, he was forbidden to lend it to others without the permission of the clergy. Even licensed books might be prohibited, in case the spiritual censors deemed such prohibition beneficial to the Church. It would be hard to invent any method more effectual than this to suppress all freedom of thought and enquiry.

With regard to interference of the bishops in civil matters, the governments, through their ambassadors, protested in vain. The majority of the Council replied to their demand by bluntly reaffirming all canonical ordinances on that subject.[1] It was only after a lively opposition that they agreed simply to recommend to the princes and civil authorities the observation of the law of the Church, 'as fixed by the holy canons and Councils.'[2]

After this, however, the Papal party, under the leadership of Lainez, the general of the Jesuits, succeeded in dividing the Opposition by means of separate negotiations with the Emperor and the ambassadors of France and Spain.

Negotiations between Ferdinand I. and the Pope.

Ferdinand I., in a letter to the Pope, had remonstrated in strong terms against the conduct of the legates, who arrogated the exclusive right of proposing resolutions, and received their decrees from Rome ready-made. Pius IV. thereupon despatched Cardinal Morone, a man well versed in diplomacy, to Innspruck; and his astuteness succeeded in silencing the discontented Emperor, and showing him that his only choice lay between a rupture with Rome and a speedy dissolution of the Council. On some points Morone yielded, or at least made specious promises; on others, as, for instance, on the question of the fundamental relations of the Council to the Pope, they agreed to avoid a decision. Most of his demands of reformation, however, Ferdinand was compelled to abandon, in order to obtain any result at all. The issue of this negotiation influenced all the more the assembly at Trent, since the ambassadors of France and Spain had quarrelled on the right of precedence, and no longer worked together in concert. As for Philip II., he was well aware, in his contest with the heretics in his country, that his power depended largely for support on ecclesiastical interests. The Cardinal of Lorraine was won over at Rome; the Guises gave to French policy a more and more Catholic direction. Thus from all quarters alike came adherents to the Papacy.

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[1] This act caused Charles to remark, 'Cela ferait rogner les ongles aux roys, et croistre les leurs, chose que je ne suis pas pour endurer.' (Sept. 11, 1563.)

[2] Sess. XXV. *De Ref.* c. 20.

Jus Divinum of the episcopate.

The most serious obstacle to union lay in the dispute concerning the Divine right of the episcopate. Its advocates declared that if this *jus Divinum*, as opposed to the *jus pontificium*, was denied, not even the unanimity of all the bishops could command a final and absolute authority.[1] Such authority, they argued, as represented by the agreement of the collective episcopate, could proceed only from the same source whence each individual bishop derived his own. To this argument Lainez, who spoke last, replied with better logic, that precisely because each particular bishop might err, they might err all together. If the authority of the Council proceeded from the authority of the bishops composing it, no council could ever be called Œcumenical, because only a comparatively small fraction of the episcopate was represented. Councils were simply deliberative assemblies, whose precepts and opinions, as was clear from the formula 'approbante concilio,' only obtained authority from the confirmation of the Pope. After long debates the Council adopted an ambiguous resolution,[1] which evaded the question of the supreme authority of the Pope, but refrained from expressing the opinion of the Opposition, so that each party was at liberty to put its own construction upon it.

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[1] For the arguments at length on both sides see Sarpi's *History of the Council of Trent*, translated, though clumsily, by Brent, ed. 1620, pp. 596, *sqq*. Pallavicini's *History of the Council*, first published at Rome in 1656–7, was the Papal reply to Sarpi's exposure of Jesuit intrigues.

After this the remaining questions were disposed of in three sessions (XXIII.–XXV.) The important dogmas of the consecration of priests, the sacrament of marriage, indulgences, purgatory, and the worship of saints created no difficulties. The reformation of Church discipline, the education of the clergy, the supervision of parish priests, the co-operation with them of the inmates of religious houses, were regulated in the sense desired by the Curia. At the last session (December 3, 1563) it was expressly declared that all the decrees were passed without prejudice to the authority of the Apostolic See.[2] On the following day the Council was dissolved.

Advantages gained by Rome.

The result of these proceedings was extremely important. Although the Catholic Church began by losing a large portion of her dominion, still, within the limits of that which she retained, she had established the unity of the faith, solemnly acquiesced in and confirmed by the bishops. Although France refused to recognise the decrees of the Council, on the grounds that it was competent to legislate only on matters of doctrine, not on the constitution of the Church, and that the decrees of reformation invaded the civil province; although Philip II. expressly reserved the exercise of his royal prerogative; still, for all that, the Tridentine Confession has remained the standard of faith for the Catholic Church, and its adoption is synonymous with membership of her communion. The Vatican issued from the Council with her authority not merely unimpaired, but enlarged. Not only had the article above mentioned reserved in their integrity all existing rights of the Pope, but Pius IV. declared in his Bull of Confirmation—and his declaration was not contested—that the Apostolic See was competent to interpret the decrees of the Council,[1] and prohibited the publication of any 'commentaries, glosses, annotations, scholia, or any kind of interpretation' thereon, without Papal permission.

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[1] Can. VII. A suggestion made by the Archbishop of Otranto removed the main difficulty. Instead of declaring bishops to be *by institution of Christ*, as the Spanish prelates demanded, it was resolved to use the words, *by Divine ordination*, thus leaving undecided whether that ordination was immediately from God or from the Pope. (Waterhouse, *Council of Trent*, p. ccxviii.)

[2] 'Omnia et singula, et quibuscunque clausulis et verbis, quæ de morum reformatione, atque ecclesiastica disciplinâ, tam sub fel. rec. Paulo III. et Julio III., quam sub beatissimo Pio IV., pontificibus maximis, in hoc sacro Concilio statuta sunt, ita decreta fuisse, et in his salva semper auctoritas Sedis Apostolicæ et sit et esse intelligatur.' (Cap. xxi.)

But, besides this, Rome had in no way relinquished the design of recovering what was lost. The extent of the schism created by the Reformation had suspended in many countries the exercise of the duty imposed upon the civil power of suppressing heresy. Protestantism, however, for that very reason remained in the eyes of the

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[1] To give practical effect to this declaration, Pius IV., and afterwards Sixtus V., established the Congregation *De Interpretando Tridentino Concilio*, charged with the duty of deciding minor points of discipline, any weightier matters, however, being still left to the Pontiff himself. The decisions of the Congregation, contested afterwards by the canonists on the ground of their want of publicity, were made known in 1739 in a series of reports, commencing with 1718 and continued to 1769. (Murat. ap. Mosheim.)

Curia a heresy of emergent magnitude, and the Papacy accordingly directed its endeavours to reclaiming the governments to a perception and practice of their obligations towards the Church. This policy of restoration reached its climax at the accession of Caraffa to the Papal chair, in 1555, as Paul IV. He was the first of those Pontiffs who, while labouring no less energetically than his predecessor for the restoration of discipline and strict morality in the Church, put every agency into motion to revive and reconsolidate the principles of the hierarchy.

Suppression of the Reformation in Italy,

The next important question was to crush the efforts of the Reformation in those countries which had remained faithful in general to Catholicism. In Italy the doctrine of justification by faith had met with considerable assent. Valdez taught it in his treatise 'On the Benefit of Christ,' which had an enormous circulation. Ochino, the general of the Capuchin friars, confessed it; Flaminio explained the Psalms in a Protestant sense and spirit; Contarini and Pole leaned to the same belief, which spread extensively among the higher and middle classes. But the Inquisition persisted with uncompromising severity in its persecution of the new faith. To its tribunal, reorganised already by Caraffa, under the Pontificate of Paul III., and vested with the right of appointing delegates in every quarter, armed alike with absolute power, every person without exception was to be subject. Those of Protestant sympathies either took refuge in flight, or were delivered over to the executioner and the flames. In Venice, Tuscany, Naples, and Savoy the civil power controlled, but could not prevent, the Inquisition. Pius IV. declared to the Duke Emmanuel Philibert, who wished to bring back the Waldenses, by means of a conference, to the bosom of the Church, that nothing was done with heretics by moderation, but that experience showed that justice alone, and ultimately force, could accomplish that object.

In a short time the Protestant movement was suppressed in Italy; even the academies of humanists were closed.[1]

in Spain,

The Spanish Inquisition, meanwhile, on which Caraffa had modelled his own tribunal in Italy, entered now, under Philip II., into full activity. Spain, hitherto isolated and exclusive, had been brought too frequently, under Charles V., into relations with the other countries of Europe not to become infected with the influence of the Reformation. Spaniards studied in Germany and Flanders,[2] and these students, as well as the Spanish troops who had fought in Protestant lands, introduced the Lutheran faith into their homes; while the proximity of Navarre and Languedoc led to an alliance with Calvinism. Protestant doctrines were preached in secret; Protestant books were circulated; a Spanish Bible, printed in Germany, was introduced. But the merciless rigour of the Inquisition proved too much for the permanence of Protestantism. A Bull of Paul IV. caused Philip II. to issue an edict, threatening the followers of the new faith with death at the stake; and the Grand Inquisitor, Fernando Valdez, Archbishop of Seville, was just the man to carry the edict into effect. In 1559 the first *auto-da-fé* took place at Valladolid. Innumerable others followed, and the Pope granted an indulgence of forty days to all who assisted at the spectacle. In Spain, as in Italy, the persecution was so searching and complete that in a short time every spark of sympathy with Protestantism was extinguished, notwithstanding that its adherents were mostly in high positions.

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[1] See McCrie's *History of the Progress and Suppression of the Reformation in Italy*, first published in 1827. The same learned author has written a similar work on Spain.

[2] *Schlegel* (Notes to Mosheim) points out that all the Spanish theologians whom Charles V. took with him to Germany to refute the Lutheran heretics fell victims, on their return, to the Inquisition.

in the Netherlands.

In the Netherlands the task was more difficult.[1] There the penal edicts of Charles V. had been only imperfectly executed, since the national temper revolted too strongly against the Inquisition; and during the last year of his reign the emperor was forced to confess that his efforts to extirpate heresy in that country had been in vain. But Philip, whose Spanish nature knew of no considerations for Dutch traditions, proceeded in a very different manner. In the revolt which his rigorous measures provoked the nobility assumed the lead. The clergy also joined the movement at first, for the Inquisition was as distasteful to them as to the laity, and the establishment of thirteen new bishoprics threatened to curtail the incomes of the existing sees. But the religious turn taken by the revolt soon alarmed the whole priesthood in the Netherlands, who rightly saw in Protestantism a danger far more formidable than civil absolutism. Soon even the most discontented of the clergy ranged themselves on the side of the Crown, and to their support it is essentially to be ascribed that Alva's reign of terror was able to reduce the southern provinces to Catholic unity and to the dominion of Spain.

Growth of the Reformation in France.

In France the new aggressive policy of Rome encountered more strenuous resistance. Here the balance long wavered between the old and the new faiths. A statesman like Francis I. (1515–1547) saw clearly the natural relations of Protestantism to the secular power. At his court Luther was spoken of with respect. He himself was connected with Calvin, through his sister, Margaret of Navarre, and he thanked the Genevan Reformer for his services in strengthening the opposition of the German princes against his rival the emperor. But though he willingly went the length of concluding an alliance with Philip of Hesse, yet, personally indifferent as he was to religious questions, and engrossed in his absorbing contest with Charles, he scrupled to break with his clergy and the Court of Rome, more especially since the last Concordat in 1516 had given him extensive rights over the French episcopate. But under his successors the Protestants continued to multiply, despite all persecution. The parliament refused to ratify the decree of Henry II. in 1557, appointing civil commissioners to assist the bishops in the extermination of heretics. In Navarre, during the regency of the mother of Charles IX., the new faith obtained an official triumph. The Peace of St. Germain-en-Laye (August 15, 1570) recognised, after a bloody conflict, the freedom of Protestant worship; and in the following year the famous Synod of La Rochelle, convoked by royal letters patent, with Beza as moderator, and in the presence of Jeanne d'Albret, Queen of Navarre, Prince Louis, Count of Nassau, the prince of Condé, Admiral Coligny, and the whole flower of French Protestantism, solemnly confirmed the Confession of 1559, the bulwark of the Gallican Church. The Venetian ambassador reported at this time to his Senate that the success of the Huguenots would secure the universal victory of Protestantism.

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[1] See Brandt's 'Reformation in the Low Countries.'

Persecution of the Huguenots.

This toleration of the Protestants was obstinately resisted by the universities and the clergy, and their efforts were partly successful. But the guiding impulse of the Catholic reaction proceeded from the influence of Spain, of the Curia, and particularly of its agents and coadjutors the Jesuits. Alva, who feared the influence of Condé and Coligny in the Netherlands, wrote to Charles IX. that his concessions to the Huguenots were an invasion of the prerogatives of God.[1] Pius V. announced his readiness, if the king would declare open war against the heretics, to consent to an alienation of Church property to the amount of a million and a half of francs, and actually sent papal auxiliaries for the campaign, whose commanders were directed to give no quarter to prisoners. The Jesuits, who, in spite of the hostile verdict of the Sorbonne,[1] had contrived to establish themselves in France, exhausted every effort and intrigue, through their college at Clermont and the influence of Lainez over Catherine de Medicis, to blow the flames of religious war. They were the soul of the Catholic League. For a long while, indeed, the issue of the contest hung in the balance; and more than once it seemed as if Coligny's idea of placing France at the head of a coalition against Spain, and of identifying thus the interests of French patriotism and Protestantism, would be crowned with success. But ultimately the influence of the Guises over Catherine de Medicis prevailed. The night of St. Bartholomew (August 22, 1572), which Gregory XIII. celebrated by a Te Deum and salvos of artillery, was in the A.D. 1584. eyes of those Catholic fanatics, who were not ashamed to form a league with Philip II., only a step towards the final aim—namely, of suppressing Protestantism in France as in the Netherlands, and of preventing the succession of a heretic whom the pope had declared to have forfeited all title to the throne of France.

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[1] 'Il vaut beaucoup mieux avoir un royaume ruiné, en le conservant pour Dieu et le roi, que de l'avoir tout entier au profit du démon et des hérétiques, ses sectateurs.' (Gachard, 'Corresp. de Philippe II.,' vol. i. p. 609.)

Gallican reaction under Henry III., 1574–1589.

It is true this scheme of reducing France to a mere province of a universal and absolute Catholic monarchy was as fruitless as the counter-project of Coligny. The fanaticism of the Catholic League served only to provoke a Gallican reaction. Already at the excommunication of Henry III. the parliament of Paris declared that the authority of Rome did not extend to the civil province, and that the person of the king was inviolable. They ordered the Bulls of Sixtus V. and Gregory XIV. against Henry of Navarre to be burned by the hands of the common hangman, as 'null, founded on abuse, vexatious, deceitful, and seditious, and contrary to the holy decretals, councils, prerogatives, and liberties of the Gallican Church.'

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[1] A.D. 1554. 'Hæc societas videtur in negotio fidei periculosa, pacis ecclesiæ perturbativa, monasticæ religionis evasiva, et magis in destructionem quam in ædificationem.'

Henry IV., 1593–1610.

This reaction reached its climax at the accession of Henry IV. A convert to Catholicism from political motives,[1] he treated all Church questions with sole reference to his own interests and those of France. He was, perhaps, the first statesman who fastened on the idea of equal rights to all confessions, so far as they submitted themselves to the State, hoping thereby to establish peace among his subjects, and thus to employ the power of a reunited France to humble that of Spain, the champion of aggressive Catholicism. From this standpoint we must judge his concessions to his former co-religionists, and not be tempted to ascribe them to any profound sympathy on his part for the Reformed. He treated them personally with frequent unfriendliness: thus, in a prearranged conference on religion with Du Plessis-Mornay, he made his old friend appear to come off vanquished, and celebrated this fictitious victory as a triumph of the Catholic faith, for which, in reality, he cared as little as for the Protestant. For the same reason, on the other hand, he viewed with unconcern the anger of the pope at the Edict of Nantes, which the latter had denounced to the French ambassador as an 'édit le plus maudit qui se pouvait imaginer, par lequel était

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[1] See his apology to Wilkes, the ambassador of Queen Elizabeth, Camden Ann. *ad Ann.* 1593. D'Aubigné, in his 'Hist. Univ.,' makes Henry IV. say of his conversion, 'Je ferai voir à tout le monde que je n'ai esté persuadé par autre théologie que la nécessité de l'État' (tom. iii. p. 294).

Edict of Nantes, April 7, 1598.

permise liberté de conscience à tout chacun, qui était la pire chose du monde.'[1] His object in promulgating that edict, which was less a religious one than a treaty, or confirmation of previous treaties between two political parties, as is shown by his permitting the Protestant garrisons to be maintained for eight years longer in the specified 'towns of surety,' was to secure to the Protestants an equality of civil rights with the Catholics. For this reason the edict conceded to the members of the Reformed faith—which was still described as the 'religion prétendue Réformée'[2]—not only unlimited liberty of conscience, and, with some restrictions, of worship, but participation in all offices and honours, including a seat in the new instituted *Chambre de l'Édit*[3] of the parliament of Paris, which had hitherto prosecuted the Huguenots with inexorable severity. The latter were now able to consolidate their Church system, though their numbers had been greatly thinned by the religious wars. Not less firmly did Henry maintain his independence against the hostile attitude of pope Clement VIII. He possessed a powerful counterpoise to papal aggression in the marked increase of Gallican sympathies displayed by his bishops. Of the entire body of 118 no less than 100 gradually came over to his cause. They absolved him from the excommunication of the pope; he exercised his right of nomination; and the parliament forbade an appeal to Rome against the appointment of his nominees.

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[1] *Ossat. Dép.*, March 28, 1599.

[2] Du Plessis-Mornay had previously proposed the substitution in all public documents of the words, 'La religion que nous disons Réformée ou dicte Réformée.' (Du Plessis, tom. iv. p. 394.)

[3] This tribunal was composed of sixteen counsellors, charged especially to decide all causes in which Protestants were concerned within the jurisdiction of the Parliaments of Paris, Rennes, and Rouen. (Weiss, 'Hist. of French Protestant Refugees': Hardman's translation, 1854, p. 3.)

The archbishop of Bourges actually proposed to constitute the French Church under a patriarch.[1] The Jesuits, who continued to preach against the king, even after his conversion to Catholicism, were forced to quit France.

Thus the pope, pressed hard also by Spanish influence, found himself obliged to capitulate, and to consent to the readmission of Henry to the bosom of the Church. The king, thereupon, gave him at once to understand that there could be no question of any recognition of the papal supremacy in secular matters, or of his own personal rehabilitation; that he would only accept absolution 'for the complete quieting of his soul, and for the general satisfaction of his subjects;' and the pope was compelled to yield, and to content himself with designating the absolution given by the bishops as not quite correct (*minus recte et rite facta*). Similarly, with regard to the Tridentine decrees, Henry refused to allow their publication in France, except 'with reservation of all matters which cannot be introduced without disturbing the peace of the kingdom.' The importunities of his clergy in this matter he met continually with fresh evasions; just as he refused to them the price they had demanded for their submission—namely, the restoration to the chapters of episcopal election. While thus the pressure of circumstances compelled the Curia to let the French king have his own way, although Pius V. denounced his tendencies—the 'sect of politicians' he called his government—as the worst type of heresy, because the most injurious to the authority of the Church, the reign of Henry IV. became the noontide of Gallicanism.

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[1] Francis I., it appears, had thought of offering the patriarchate in 1525 to Wolsey. Edward Lee, the King's Almoner, writes thus to the Cardinal: 'In the lettre showed us by Monsr. le Buclans from the Emperor, of the wiche mention is made in the cyphrers, was written in terms that the *Frenche king wolde offre to your Grace the Papalité of Fraunce*, vel *Patriarchatum*, for the Frenchemen wolde no more obey the Churche of Rome. . . . . If his Grace will have now the *Patriarchatum*, I doubt not he shall have it.' Ellis, Orig. Letters, 3rd Series, ii. 98.

Gallican writers on Church and State.

The fundamental principles of that system were expounded by Pierre Pithou in his 'Libertés de l'Eglise Gallicane.'[1] Edmund Richer went further.[2] Not only did he deny the infallibility of the pope and adjudge it solely to the Church, but he maintained that the latter—in other words, the external and mutable, as opposed to the internal and immutable Church, or 'mystic body of Christ'—could exist without a pope at all.[3] It was a monarchical polity, he argued, instituted for spiritual purposes, and tempered with an aristocracy, as the most convenient form of government.[4] It possessed, by Divine commission, neither secular dominion nor secular rights. These belonged to kings and princes, who alone, as protectors of the Church, enjoyed the right of vindicating and executing the Divine law, determining all appeals *ab abusu*, and of compelling obedience, if necessary, by force.[1] Herein unquestionably Richer went too far, just as the abuse of secular followed that of spiritual power. The parliaments, instead of restricting themselves to the protection of the subject against the arbitrary encroachments of ecclesiastical jurisdiction, usurped the hearing of all appeals, not only from laymen but ecclesiastics, in purely Church questions, included all excommunications in the definition of public injuries, interfered in internal matters of the Church, and enforced their judgments by means of heavy fines and civil imprisonment.

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[1] He epitomises these liberties under two heads:—1. 'Que les Papes ne peuvent rien commander ni ordonner, soit en général ou en particulier, de ce qui concerne les choses temporelles és pays et terres de l'obéissance et souveraineté du Roy très-Chrestien, et s'ils y commandent ou statuent quelque chose, les sujets du Roy, encore qu'ils fussent clercs, ne sont tenus leur obéir pour ce regard.' 2. 'Qu'encore que le Pape soit reconnu pour suzerain ès choses spirituelles, toutefois en France la puissance absolue et infinie n'a point de lieu, mais est retenue et bornée par les canons et règles des anciens conciles de l'Eglise reçus en ce royaume.' (Edit. 1594, pp. 2, 3.)

[2] 'De Ecclesiasticâ et Politicâ Potestate,' Paris, 1612.

[3] 'Duplicem esse statum Ecclesiæ, alterum absolutum, essentialem, internum atque invariabilem; alterum externum, mutabilem, et accidentalem. . . . Christum, caput essentiale Ecclesiæ, ad statum essentialem, immutabilem Ecclesiæ sponsæ; Papam vero ad externum, accidentalem, et mutabilem spectare.' (*Ibid.* lib. iv. cap. i. § 17.)

[4] 'Ecclesia est politia monarchica ad finem supernaturalem, spiritualem instituta, regimine aristocratico, quod omnium optimum et naturæ convenientissimum est, temperata.' (*Ibid.* lib. iv. cap. i. § 1.)

A reaction against Jesuit teaching.

But in all this, just as in Richer's writings, it is easy to detect the reaction against the school of the Jesuits. That school aimed at subjugating, as absolutely as possible, the State-power to the papacy; and for that purpose, while asserting the supremacy of the pope, asserted also the sovereignty of the people. Lainez already, at the Council of Trent, had maintained that the general body simply delegated, but did not renounce, its power to the Government. Bellarmin declared that the power to rule proceeded indisputably from God, since it resulted from the natural condition of man, His creature; but that inasmuch as that power was not given to any individual in particular, it belonged therefore to the multitude.[2] Mariana, who, as the friend of Philip III.'s tutor, published in 1598 his treatise, 'De Rege et Regni Institutione,' went still further. He, too, starts with the proposition that the people at large are the fountain of sovereignty.[3]

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[1] 'Princeps politicus vindex atque executor legis divinæ . . . . jus habet dirigendi et cogendi omnes cives ambitu reipublicæ contentos.' (*Ibid.* lib. v. cap. iii. § 1.) He adds, 'Quam veram et orthodoxam doctrinam nullus in dubium revocavit in Galliis, antequam Jesuitæ docerent.' (*Ibid.* § 23.)

[2] 'Totius est multitudinis.'

[3] 'Certe a republicâ, unde ortum habet regia potestas, rebus exigentibus regem in jus vocari posse, neque ita in principem jura transtulit, ut non sibi majorem reservarit potestatem.' (Lib. i. p. 57, ed. Moguntiæ, 1605.)

They have the right to elect their king; but, on the ground of utility, he considers an hereditary monarchy to be the best form of government.[1] He then proceeds to draw a brilliant picture of a good king who rules like a father of his country, and in contrast to this paternal monarch depicts the tyrant who oppresses his people. But the crucial test of each is the attitude he adopts towards religion. 'The good king,' he says, 'protects religion. There is but one religion—namely, Catholic Christianity. He allows no other to be practised in his country; any departure from that religion he steadily suppresses, and he tolerates no religious liberty, for such liberty corrupts the soul.' On the other hand, 'the king who hinders the free exercise of the Catholic religion—or rather the sole autocracy of the Roman Catholic Church—and grants religious liberty to his subjects, is a tyrant.' To kill such a man Mariana declares is not only permissible, but meritorious.[2] This maxim he endeavours to support by precedents drawn from the Old Testament and from classical antiquity; and he points to the murder of Henry III. by the Dominican monk Clément as a salutary lesson that godless attempts, such as those of the king who sought to procure the crown of France for a heretic whom the pope had debarred from the succession, do not remain unpunished. This work was published with the approbation of Acquaviva, the general of the Jesuits, and is not included in the papal Index; a fate which, on the contrary, befell Bellarmin's treatise 'De Potestate summi Pontificis in Temporalibus,' because the latter maintained that the pope enjoyed only a qualified, not immediate, authority over sovereigns, and could depose them, not in all, but merely in extraordinary cases.[1] Both of these works, however, were burned by order of the Parliament of Paris, as tending to the overthrow of royalty and the repudiation of its Divine institution; and their printing and sale were declared to constitute high treason. But the proof that Mariana's doctrines bore fruit is given by the assassination of Henry IV. Ravaillac, very likely, had never read his book, but the idea of regicide, as he proclaimed it, was well known, and was openly approved by the party of the Jesuits.

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[1] *Ibid.* lib. i. capp. 2, 3. 'Adjuncta est regia majestas quasi multitudinis custos, uno prælato de quo magna erit opinio probitatis et prudentiæ' (p. 18).

[2] 'Est tamen salutaris cogitatio, ut sit principibus persuasum, si vitiis et fœditate intolerandi erunt, eâ conditione vivere, ut non jure tantum, sed cum laude et gloriâ perimi possint.' (*Ibid.* p. 61.)

Catholic movement in Germany.

Meanwhile the chief aim of the Catholic reaction, already noticed, remained the suppression of Protestantism in that country, whence the latter had first proceeded. In Germany the new faith was still advancing up to the close of the Council of Trent, notwithstanding all the dissensions between the Lutherans and Reformed. The Palatinate and Baden joined the Evangelical princes during the last half of the sixteenth century. The Bavarian and Austrian Estates, as well as those of Cleves, extorted from their sovereigns, who still adhered to the old Church, concessions of no inconsiderable importance. Even the ecclesiastical principalities, so far as the people were concerned, were essentially Protestant. Their rulers remained Catholic for the present, because the Ecclesiastical Reservation of the Religious Peace of 1555 declared them to forfeit their position in case they went over to the Augsburg Confession; but they were forced to tolerate the secession of their civil officers and clergy to the Reformation. Throughout the Protestant North of Germany that Reservation was practically unheeded. The archbishoprics of Magdeburg, Bremen, and Halberstadt, and the bishoprics of Lübeck, Verden, and Minden fell into Protestant hands. All the universities were Protestant; the monasteries could no longer be maintained.

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[1] 'Non potest papa ordinarie temporales principes deponere eo modo, quo deponit episcopos, tamen potest mutare regna et uni auferre atque alteri conferre tanquam summus princeps spiritualis, si id necessarium sit ad salutem animarum.'

Such was the state of things when, in 1560, the Jesuits applied their efforts to the reconquest of their lost dominion; and cleverly they knew how to plant their levers at the right points. The Religious Peace of Augsburg had placed the future condition of each territorial Church at the decision of the local sovereign. At first this arrangement had been beneficial to Protestantism. But the Emperor, the Duke of Bavaria, and the majority of the spiritual princes still remained Catholic; and in their territories the first thing to be done was to establish the orthodox faith. Although Duke William IV. of Bavaria had issued, as far back as 1522, a strict edict forbidding any of his subjects to presume to desert the ancient faith, still Protestantism had made its way into his country, and soon succeeded in winning over the nobility and the towns, both of whom united to enforce religious concessions in return for their consent to be taxed. Pius IV. now proceeded to meet the chronic insolvency of the princes by voluntarily surrendering to them a considerable portion of Church revenues, and conceding the adjudication of disputes concerning the competency of episcopal jurisdiction. Thus the Bavarian princes, secure in their friendly relations with Rome and their own clergy, and consequently independent of the local Estates, were able to direct their whole power to the strengthening of their territorial sovereignty and the suppression of Protestantism within the limits of their dominions. Duke Albert, in the exercise of his right of reformation, excluded the Protestant nobility from the Landtag, and compelled the refractory to emigrate. No Protestant was allowed to settle within the whole duchy; no Lutheran

Protestantism suppressed in Bavaria,

or Reformed service was allowed to be celebrated. The Jesuits were invited to Ingolstadt; they founded a new college at Munich. Within a few years Protestantism was suppressed throughout the whole of Bavaria; and the Duke made use of his position as guardian of the Margrave of Baden to re-establish Catholicism throughout those dominions. Through the influence of the Jesuit Canisius the ecclesiastical districts of Eichstädt, Treves, Mayence, Fulda, and Hildesheim were completely purged of Protestantism. Gebhard, Count of Truchsess and Archbishop-Elector of Cologne, who had gone over to the Calvinists, was disavowed by his own chapter, acting under Spanish support, and compelled to resign his electoral dignity and archbishopric. Würzburg and Bamberg followed; the entire body of the clergy had to subscribe the Tridentine Confession; schools and colleges were founded by the Jesuits in all directions.

and in Baden.

In Austria the Jesuits had established themselves under Ferdinand I., but they failed to make any progress under Maximilian II. Under this emperor, on the contrary, there appeared once more the possibility of a radical change of affairs. There is no doubt that, before his accession, he had formed the intention of going over to Protestantism. He had incurred the enmity of his father by taking a Lutheran preacher into his service, and he was on intimate terms with the leaders of the Protestant party.[1] Political interests, it is true, soon convinced him that such a step would isolate him from all the Catholic Powers; and dynastic considerations, moreover, withheld him from his purpose, since he reckoned on the succession of one of his sons to the Spanish throne, which, as Philip II. was then without issue, was likely to devolve on his family. But although, under the influence of these motives, he made a public confession of the Catholic faith,

Protestant sympathies of Maximilian II.

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[1] Gratiana's 'Vie de Commendon,' translated by Fléchier, p. 286.

he retained his early leanings to the Reformation, and gave it liberal toleration and free scope in his hereditary dominions, intervening even to prevent a threatened schism between the Lutherans and Calvinists, and forbidding the Catholics to interfere in their disputes. Almost the whole of Austria had now embraced the Protestant faith; and the nobility, the towns, and the universities headed the ranks of its adherents. In the oath of a doctor of divinity, binding him to acknowledge the Roman Catholic Church, the word 'Roman' was expunged. The Estates succeeded in obtaining permission to conduct private worship in accordance with the Augsburg Confession, and began to organise a Lutheran Church. But this season of toleration for Protestantism was short-lived. Even before Maximilian's death in 1576 a strong reaction set in, for which the harshness and obstinacy of the Lutherans were largely responsible; and when Rudolf II., who had been educated at the court of Philip II., succeeded to the throne, a total change of policy ensued. Protestantism, widely as it had spread in Austria, had never taken firm root in that country. It was a political rather than a religious principle. It owed its success, as in Bavaria, to the obstinate resistance of the Estates to Catholicism: as soon as that resistance was broken, the root of the movement was destroyed. And to achieve that end Rudolf II. scrupled not to employ every means which his early training by the Jesuits and his own intolerance suggested. The persecution which he set on foot was no paltry system of oppression, such as only serves to irritate and to incite resistance, but one so terrible and sweeping that none but spirits of extraordinary fortitude could withstand it.

Reaction under Rudolf II., 1576–1612.

Thus we see Protestantism in Germany, at the close of the sixteenth century, steadily losing ground. Much of this result was due, no doubt, to the zeal, both in preaching and teaching, displayed by the Jesuits. But much more was due to violence. Executions of heretics, the confiscation of their property, the destruction of their churches, were the order of the day. Banishment from the country was considered an act of mercy. Not an inch of German soil was won back to Catholicism without blood.

Causes of Protestant defeats in Germany.

It is true, indeed, that those Catholic princes were moving upon the lines and within the limits of the unhappy Religious Peace of 1555, which, at the time of its conclusion, had seemed to the Protestants a valuable acquisition. Its maxim of *cujus regio*, *ejus religio* was now turned against them; for under the influence of the Jesuits Protestantism was suppressed in the territories not only of those princes who had remained Catholic, but of those who had been reclaimed to Rome. The Jesuits accepted for every Catholic government the right of reformation as a simple renewal and confirmation of their obligations to the Church; but they denied the legality of its exercise to Protestant princes, as treason to the government of the Church, conferred by God upon the pope. Had the Reformation, indeed, then possessed its original vitality and power, those States who adhered to the Augsburg Confession would never have allowed this persecution by fire and sword of their co-religionists, in whose fate their own was involved. Already the Jesuits denied the validity of the Religious Peace, on the pretext that it had been concluded without the consent of the pope. At all events, they argued, it could only have been intended as an *interim*, pending the convocation of the Council of Trent. And in 1584 Gregory XIII. sent to the German bishops the Bull *In Cœna Domini*, which, after a long enumeration of all the heresies, proceeded to condemn their supporters, and commanded the bishops to insist on the execution of the sentence.

Degeneracy of the Lutheran Church.

Time was when such a mandate would have been scorned by the Protestants of Germany. But the unhappy principle of State-Churchdom had paralysed their energies. In vain do we look now for the manly tone, so confident of victory, with which Luther had commenced his work. Destitute of all organised co-operation with the community, such as the presbyterian form of government had brought about in France, the Lutheran Church dwindled gradually into a Church of theologians, who saw their whole mission comprised in a dogmatic elaboration of her teaching. The consequences of this were twofold. In the first place, the government of the Church came to be ascribed, as of Divine right, to the territorial prince. The authority formerly exercised by the bishops over the Protestants, which had been suspended by the Religious Peace, was assumed now to revert to the sovereign, as its original and legitimate possessor; so that the government of the Church experienced no intrinsic alteration, but simply changed hands. The local sovereign received, together with his office as civil governor, that of supreme director of the Church—in other words, the attributes of episcopal supremacy. But as he still remained a layman, he was bound to recognise, in all matters of faith, the spiritual authority of the teaching class or clergy, whose duty it was further to take care that the episcopal power of the sovereign was exercised upon proper principles. The organs for this purpose were the synods of the clergy, which represented the conscious independence of the Church, and together with the local sovereign conducted her legislation, leaving the work of administration to be performed by consistories, composed of theologians and jurists. Herein was revealed a twofold departure from the original doctrine of the Reformation. On the one hand, an exclusively Divine title to Church government was claimed for the secular power, and that by Calvinist princes,

Episcopal power of the princes.

such as Frederick III., Elector Palatine, as well as by Lutheran princes, contrary to the principles of Luther himself, who admitted only a delegation of government by the community, who, for the sake of order, commissioned 'one out of the general body' to exercise those functions on their behalf. And, on the other hand, an episcopal autocracy was thus established in a purely Catholic sense, inasmuch as the community of the Church was reduced once more to the condition of 'servants and obeyers.'

The second consequence of this episcopal system, which prevailed throughout the whole of the seventeenth century, was this, that the Lutheran teachers not only elaborated and stereotyped their dogma, but hedged themselves in, with corresponding churlishness, against the Reformation in Switzerland. The differences between Luther and Zwingli I have already adverted to. Zwingli's doctrine of the Eucharist led to this result, that men like Capito and Bucer sided with Luther and Melanchthon, and Justus Jonas in 1536 with the Wittenberg agreement. Between these two parties now stepped in Calvin, who separated himself openly from Zwingli and adhered to the Augsburg Confession. The differences between Calvin and Luther never amounted to unfriendliness. To the Saxon Reformer Calvin's treatise 'On the Last Supper' (1540) was quite as attractive as the doctrine of Zwingli was abhorrent. To Predestination Luther was originally inclined, while Melanchthon, in spite of his personal friendship with Calvin, evinced a decided repugnance to that doctrine. Although, later on, it was repudiated, or at all events not accepted in all its harshness, by the Reformed princes of Germany, still at that time it formed the pith and essence of Calvinism, and, with the spread of Calvin's teaching, soon acquired an importance which made it the more necessary for the Lutherans to renounce it in explicit terms. Besides this disputed article of faith, there were numerous other controversies on points of doctrine, which made a general decision of the Church appear desirable.

Formula of Concord.

This decision was arrived at on the whole in the spirit of Luther, by means of the *Formula Concordiæ*, drawn up in 1577 at the instance of the electors of Brandenburg and Saxony. We are bound to admit that in this instrument of faith the doctrine of Predestination—a doctrine which destroys in effect all human freedom and responsibility, and makes God, in consequence, the author of sin—is refuted in a manner strictly consonant with Scripture, and proving to conviction the fallacy of Calvin's expressed opinions thereupon. We must also acknowledge that in constructing the system of dogma it was impossible not to reject Calvin's doctrine of the Last Supper. But when all this is conceded, no excuse can be alleged for the terms in which this was done. They were not only harsh and peremptory, but materially unjust and inaccurate, inasmuch as they denounced the Calvinists as the worst class of Sacramentarians, on the ground that they were attempting, by subtle and crafty means, to disguise the same heresy as the Zwinglians, under a partial and plausible adoption of the words of Luther.[1] But beyond these censurable tactics of theological polemists, who intentionally make a practice of singling out the harshest and most salient expressions of their opponents, and thus frequently miss or evade the general tenor and meaning, the whole Formula itself is open to serious criticism, since, instead of delineating, as was done in the original Confession, the essential features of Scriptural truth, or epitomising its disputed points, an attempt was now made to construct an elaborate system of theology, denouncing any deviation on isolated and comparatively trifling points of controversy, just as peremptorily as a denial of fundamental truths.[1] It is true the *Formula Concordiæ* begins by declaring that it regards the Scriptures as the sole rule and standard of faith, and recognises all other sources of authority, such as the writings of the Fathers, as subordinate, and valuable only as evidence of what had been taught conformable to Holy Writ after the Apostolic age, and what interpretation had been affixed to doubtful passages therein by teachers of early times.[2] But although, as we have seen, the intention of the authors of this Formula was simply to pronounce a unanimous decision on various disputed points of doctrine, these articles of agreement were treated by the princes, and shortly afterwards by the theologians also, as a rule of conduct and belief quite as binding as the Augsburg Confession. All the clergy, and, indeed, all civil officers, were obliged to subscribe to the Formula, which henceforth became the palladium of Lutheran orthodoxy. On the other hand, it has remained excluded not only from most of the Lutheran Churches out of Germany, but even from many German ones, such as those in Pomerania, Anhalt, Hesse, Holstein, Brunswick,

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[1] 'Alii autem sunt versuti et callidi, et quidem omnium nocentissimi Sacramentarii; hi de negotio Cœnæ Dominæ loquentes, ex parte nostris verbis splendide admodum utuntur, et præ se ferunt, quod et ipsi veram præsentiam veri, substantialis, atque vivi corporis et sanguinis Christi in sacrâ Cœnâ credant, eam tamen præsentiam et manducationem dicunt esse spiritualem, quæ fiat fide.' Hase, 'Libri Symbol.' p. 598.

Narrowing of Lutheran dogma.

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[1] Very doubtful positions were in this way raised to dogmas, which could however certainly not be proved from Scripture. For instance, the simple fact narrated in 1 St. Peter iii. 18, 19, was thus explained : Simpliciter credimus quod tota persona, Deus et homo post sepulturam ad inferos descenderit, Satanam devicerit, potestatem inferorum everterit, et diabolo omnem vim et potentiam eripuerit.

[2] ‘Sacris literis ita subjicienda, ut aliâ ratione non recipiantur, nisi testium loco, qui doceant, quod etiam post Apostolorum tempora, et in quibus partibus orbis doctrina illa Prophetarum et Apostolorum sincerior conservata sit.’ Art. I.

and others, and can, therefore, never claim an authority equal to that of the original Confession.

Based on such narrow and exclusive principles as the above, Lutheran orthodoxy soon came to denounce the Calvinists even more zealously than the Catholics—nay, to refuse to their fellow-Protestants the name of Christians, and to persecute all who were merely suspected of favouring their opinions. In vain did the Catholic emperor Maximilian II. intercede with the elector of Saxony on behalf of Peucer, who was languishing in prison. A hymn 'Against the Calvinistic Faction,' written in 1592, contains the lines :—

> Smite Thou the Calvinists, O Lord,
> And shield Thy servants with Thy Word.[1]

Protestant disunion in Germany.

It harmonised with this spirit of bigotry and intolerance, that the Lutheran princes contemplated with apathy and indifference the life and death struggle for Protestantism then maintained by the Reformed Churches ; nay, that they even assisted the Catholics. Lutheran princes fought in the armies of the Catholic League. Duke John William of Saxony led his troops in 1586 to the aid of Charles IX. Eric of Brunswick joined Alva against the Dutch Sacramentarians. Is it to be wondered at that the Jesuits, who watched with keen eyes the progress of this suicidal policy, should turn it to their utmost advantage ; and that against their activity and dexterous intrigues at the various Courts, and their incisive popular eloquence, supported as they were by the historical prestige and power of the hierarchy, the Lutheran Church of princes and theologians was no adequate match ? Step by step they advanced, until they believed Protestantism to be sufficiently weakened for the final struggle gaainst it to be commenced.

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[1] Erhalt uns, Herr, bei deinem Wort,
Und steu'r der Calvinisten Mord.

Under such circumstances, it was an event necessarily of the highest importance that the Reformation at this very period of its retrogression proved victorious in three countries of Europe, which henceforth became its main bulwark and support.

The Reformation in England.

In England the Reformation assumed a twofold development, its two elements being the struggle against the spiritual oppression of Rome and that for national independence against the Pope. The Reformation in Germany originated, as we have seen, in Luther's profound conviction that Catholic dogma had perverted the teaching of Scripture; but the territorial dismemberment of Germany, which had compelled him to invoke the support of the Protestant princes, debarred him from identifying his movement with the political unity of the nation. That the Reformation in England at its commencement under Henry VIII. assumed a more external, and therefore a more practical, character, was due in the first place to the peculiar course of political events in that country. At the same time persecution had never succeeded in extinguishing the Wicliffites, and the yearning for Scriptural truth had been manifested even during the times when the hierarchy appeared supreme. The abuses of the clergy, more especially the inquisitorial jurisdiction exercised by the Consistory Courts, had formed a frequent subject of complaint under Henry VII.; but they had failed hitherto to meet with any practical redress, through the caution or timidity of the king. Henry VIII., as his controversy with Luther clearly showed, was no friend of the German Reformation, though his attacks on the papacy found a ready welcome in Germany. Already in his coronation oath, with reference to the constitution of the Church, he had with his own hand inserted the words, 'nott prejudiciall to hys jurisdiction and dignity royall.' His book in defence of the seven Sacraments, against the

Henry VIII., 1509–1547.

doctrines of Luther, was published with the formal approval of the Holy See, and gained him the title in that quarter of 'Defender of the Faith.' His repudiation of the authority of the pope was essentially a political act. Catholicity, not Protestantism, was the leading motive of his conduct in regard to spiritual matters, nor was his rupture with Rome due at any time to disbelief in the doctrines of the Roman Catholic Church.

At the same time, the opinions of Henry VIII., in this respect, were not those of all his subjects. The murder of Huss inflicted a damaging blow on the authority even of the higher clergy, and popular opinion was ripe for revolt against the misuse of ecclesiastical power. The laity openly canvassed the doctrines of Rome, and Lutheranism prevailed in many parts of England, notably among the common people.[1] The injudicious rigour of the leading Churchmen inflamed and exasperated both Lollards and Lutherans, who retaliated for the burning of their books by violent invectives against the clergy. At this crisis Henry VIII., now fully conscious of the prudence of conciliating the people in his struggle with Rome, convoked the remarkable parliament of 1529, in which the Third Estate, now strong enough to re-echo with effect the popular voice, inaugurated the real work of the Reformation. The Commons commenced at once (November 3) with a formal 'Act of Accusation' against the clergy, embodied in a petition to the king, which, after attributing the growth of 'heresy' (the word is significant of the time) to the propagation of seditious books on the one hand, and to the intemperate conduct of the bishops on the other, besought him, as the 'only Head, Sovereign, Lord, and Protector' of his subjects, both temporal and

Energetic attitude of the Commons.

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[1] Lord Herbert's 'Life of Henry VIII.,' p. 320.

spiritual, 'graciously to provide such remedies as may effectually reconcile them and bring them into perpetual unity.'[1] The king, now openly estranged from the Court of Rome by his divorce and by the sudden disgrace of Wolsey, entered with his parliament into the contest; and the current of popular opinion ran so strong, that the bishops themselves had to renounce many of their privileges. They replied to the petition with a prolix statement of defence;[2] but the Commons persisted in their legislation. Bills were rapidly passed through the Lower House for restraining the power exercised by the bishops in levying fees on the probates of wills—a method of extortion which had called forth a legal enactment as early as Edward III.—for regulating the fees paid on mortuaries, and for disabling the clergy from taking lands to farm, from engaging in trade, and from holding pluralities.[3] In the Lords, where these measures encountered some opposition, Bishop Fisher accused the Commons of 'want of faith' in thus endeavouring to subvert the Church; but he was forced to explain away his meaning by an equivocation. The last Act of this parliament was to restrain the payment of annates to the Court of Rome.[4]

Up to this point the Reformation in England had turned mainly on the personal privileges of the clergy. But the repudiation of Wolsey's legatine authority, which

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[1] This catalogue of grievances, which, as Froude remarks, contains the germ of all subsequent reforms in the Church, is given at length in his 'History of England,' vol. i. p. 211, *sqq.*

[2] See Froude, vol. i. p. 249, *sqq.*

[3] Strype, 'Eccl. Mem.' vol. i. pt. i. p. 198; Burnet's 'Hist. of the Reformation,' ed. Pocock, vol. i. p. 143.

[4] 23 Hen. VIII., cap. 20, A.D. 1531. In the hope, however, of effecting an amicable composition with the pope, the singular proviso was added, empowering the king, by his letters patent, to postpone its operation pending the decision of his suit.

Establishment of Royal Supremacy.

Henry had not scrupled to employ when it suited him, now brought him into immediate conflict with the pope, a conflict which ended in the establishment of the Royal Supremacy. This crowning political act of the Reformation in England—the statutory union of Church and State in the person of the Sovereign—was not completed, however, at one stroke. All hope of reconciliation with Rome being now past, the first thing necessary was to secure the allegiance of the clergy. Convocation, which had incurred the penalties of præmunire for recognising, in common with the nation—to whom a general amnesty was granted—the legatine authority of the fallen cardinal, was only released by the payment of a heavy fine, and consenting to insert in the preamble of the Subsidy Bill, required to levy the ransom, a formal acknowledgment of the king as 'Protector and only Supreme Head of the Church;'[1] a saving clause, however, being added, 'so far as is allowed by the law of Christ.' The parliament, in the next place, after depriving the Curia of its ultimate jurisdiction, by transferring appeals from the archbishops' court to the king in his Court of Chancery,[2] besides vesting the nomination of archbishops and bishops in the dean and chapter, on a *congé d'élire* from the Crown, proceeded to recognise the king, in a statute abolishing all payments to Rome, as 'Protector and Supreme Head of the Church of England'—what, in the language of the Act, he had already been recognised as being by Convocation.

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[1] 'Ecclesiæ et Cleri Anglicani, cujus protector et supremum caput is solus est.' The Convocation of York, which demurred to the word 'Head,' received an argumentative letter from the king, endeavouring to soften its literal meaning. See 'Cabala,' p. 227.

[2] A statutory sanction, however, was given the ecclesiastical law by declaring that 'such canons, constitutions, ordinances, and synods provincial, being already made, which be not contrarient or repugnant to the laws, statutes, and customs of this realm, nor to the damage of the king's prerogative, should still be used and executed.'

Finally, in 1534, the king was granted a visitatorial power over the Church, by a statute which authorised him to 'repress and extirpate all errors, heresies, and enormities;'[1] and a form of oath was prescribed in terms corresponding with the Act. Firstfruits and tenths were now transferred to the king, and commissioners were appointed to levy them.

So far, therefore, the Reformation in England was a simple declaration of independence against Rome, and its vicissitudes under Henry VIII. exhibit, to a large extent, the changeable temper of the monarch. No project of alliance was entertained at any time with either Lutherans or the Reformed; on the contrary, the Commons, while denouncing the corruptions of the clergy, added, as their opinion, 'which were believed to flow from men who had Luther's doctrine in their hearts.'[2] The penal laws against heretics were renewed in all their rigour; a Catholic Anglican Church was to be established on the basis of the Royal Supremacy. What the papacy lost in power was won by the crown, to which obedience was to be rendered next to God. The king became for England the successor of the pope; his prerogative, in other words, absorbed the functions of ecclesiastical power. In the exercise of that prerogative, thus recognised by clergy and parliament, he appointed Cromwell, who had succeeded Wolsey as chief minister, his Vicegerent or Vicar-General; and in the later suppression of the monasteries—an act dictated by political motives rather than by hostility to the Church—he was prudent enough to enlist the clergy as well as the Lords on the side of these innovations, by lavish endowments from the sequestrated property of the monks. Paul III. now absolved all subjects of the king from their allegiance, and offered England to any Catholic power who might conquer it, together with all the property of the English heretics. His rupture with Rome, it is true, soon led to closer relations with the Smalcald princes, who exercised so far a reciprocal influence upon England that the Bible was translated into the national language, and bishops of Reforming sympathies preached against the worship of images, indulgences, purgatory, and other unscriptural doctrines. A temporary reaction, on the other hand, was manifested by the statute confirming the Six Articles, submitted by Henry to the parliament, which re-enforced, under pain of imprisonment, the leading Catholic dogmas. But parliament, no less than the king, contemplated the Reformation, at this stage of its progress, merely from its political side. They rejected a Council on the sole ground that the Roman bishop had not the right to convoke one; and while punishing those who acknowledged the authority of the pope, resented equally all attacks on the Catholic faith. A policy of half-measures such as this could not satisfy either side, and was bound to prove ineffectual in the end.

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[1] 26 Henry VIII., cap. 1.

[2] Burnet's 'Hist. of the Reform.,' part i. b. ii. p. 133.

Edward VI., 1547-1553.

Under Edward VI. and the Protector, the duke of Somerset, the real reformation of the Church began, with changes both in doctrine and ritual. The bishops renewed their oath of allegiance, and their election was transferred from the dean and chapter to the Crown, thus abolishing the *congé d'élire.* Parliament, now thoroughly imbued with Protestant principles, repealed the Statute of Six Articles, and the penal laws of Henry IV. and Henry V. against the Lollards; abolished the compulsory celibacy of the clergy, which had already been condemned by Convocation; and enacted that the Eucharist should be given in both kinds, a committee of bishops being appointed to draw up a suitable order for its administration. In vain did Gardiner implore the Protector not 'to trouble the realm with novelties in religion.' The people caught the spirit of iconoclasm. An Order in Council was issued for the general purification of the churches; a royal visitation was instituted, the kingdom being divided into six districts, and a Book of Homilies was drawn up for the instruction of the clergy.[1] A revised code of canon law—the 'Reformatio Legum Ecclesiasticarum'—was compiled by Cranmer; but the project, which showed an uncongenial intolerance of heresy, fell still-born. Dutch and German refugees were welcomed with open arms. For the latter Lasky introduced a presbyterian constitution; while Martin Bucer, who held the appointment of professor of theology at Cambridge, drew up a synodal form of Church government for the kingdom.[2] Finally, the Protestant doctrines of Cranmer received a national sanction from parliament by the adoption of the Book of Common Prayer; and his Articles of Faith, reduced from 42 to 39, were formally ratified by Convocation.

Temporary Catholic reaction under Mary, 1553–1558.

After the Reformation had thus been established so firmly, the brief Catholic reign of terror under Mary was unable to shake its foundations. The temporary return of England to papal allegiance was not effected without great difficulty from parliament. The whole laity was opposed to reunion with Rome, and the papal legate, Cardinal Pole, was forced to promise that the abbey lands, confiscated by Henry VIII., should be explicitly confirmed to their new proprietors. Still less was any idea entertained of acknowledging the papal Bull, which had declared the king's marriage with Anne Boleyn invalid, and would have deprived, therefore, his daughter

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[1] See Burnet's 'Collectanea,' and Strype's 'Eccl. Mem.'

[2] Edward VI. offered his kingdom in 1552 as an asylum for a general Protestant synod, and Cranmer made overtures for that purpose to Calvin and Melanchthon, but the latter were irreconcilable.

Elizabeth of the right of succession. Mary was obliged to renounce her cherished wish to make her husband Philip partner of her throne. The re-enactment of the laws against heretics, and the flames at Smithfield, aroused the spirit of an energetic Protestant opposition among the people, who merely desisted from open revolt because the ill-health of the queen offered the prospect of a speedy termination of her reign.

The Anglican Church under Elizabeth.

But the people of England were now thoroughly imbued with the conviction that both the constitution and doctrine of the Church as it then existed were inseparably bound up with Catholicism. The scheme of Henry VIII. to emancipate the kingdom from papal authority, and to retain at the same time the Catholic doctrine in its essential parts, had been proved to be futile and impracticable ; and now, under Elizabeth, matters were ripe for a final settlement of the Reformation. This queen, though not actually adopting the title taken by her father of ‘ Supreme Head of the Church,’ assumed nevertheless the virtual government of the Church as well as of the State. The laws made concerning religion during the reign of Edward VI. were re-enacted; and though Elizabeth herself did not follow his leanings to Calvinism, and struck out the prayer in the Litany for deliverance ‘ from the bishop of Rome and all his detestable enormities,’ as well as a rubric in the Prayer Book expressly directed against the bodily presence of Christ at the Last Supper, still the continuity of the Apostolic succession in the episcopate was firmly maintained, though the ceremony of ordination remained as little a sacrament as confirmation and marriage. A very Catholicising liturgy was retained, but in the language now of the nation, and with the participation of the congregation.

Thus arose that peculiar creation of the State, the

Anglican Church, which, while externally adhering as closely as possible to the ancient Church, nevertheless in her doctrine, as finally settled in the revised Thirty-nine Articles, allied herself with the Reformed confession. But her most characteristic feature is the Royal Supremacy. Here there is no hierarchy, as in Catholic countries; no theocracy, as at Zürich and Geneva; no mixture of both, as in the Protestant States of Germany; but a purely political and national Church. By the Act of Supremacy beneficed ecclesiastics, and all laymen holding office under the Crown, were required to renounce the spiritual as well as the temporal jurisdiction of every foreign prince or prelate, and to take the oath of allegiance to the Crown,[1] an obligation which, by the subsequent statute of 1562,[2] was extended to all persons who had even taken holy orders or any degree at the universities; to all who had been admitted to the practice of the laws or held a seat in the House of Commons, the Peers being specially exempted. The Act of Uniformity prohibited, under heavy penalties, the use by a minister, whether beneficed or not, of any but the established liturgy. The Anglican Church was thus made a child of the State to an extent almost unknown with any other. Such was she at her birth under the despotic reign of the Tudors, and such she remained under the free governments of the eighteenth century. The very interregna of Catholicism under Mary, and of Puritanism under Cromwell, were built on State legislation—the history of the English Church can be written from the statutes of parliament. Finally came the Act of 1571, by which the Crown exercised its authority over

Acts of supremacy and uniformity.

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[1] 1 Eliz. cap. i. 'I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities.'

[2] 5 Eliz. cap. i. 'An Act for the assurance of the Queen's royal power over all estates and subjects within her dominions.'

the Church by the enactment of general laws, with the consent of parliament; by licensing in certain cases the proceedings of the ecclesiastical, but comparatively unimportant, Synod of Convocation; by the appointment of bishops; and by the supreme jurisdiction over ecclesiastical cases in the last resort, this latter function being entrusted to a commission under the Great Seal, the Court of Delegates.[1]

Protestant Dissenters.

The Church legislation of Elizabeth was not more tolerant towards the Calvinistic Protestants than it was towards the Catholics. The former, especially those who were returning from Germany and Switzerland, where they had taken refuge from the persecution of Mary's reign, manifested from the very first their repugnance to the Catholicising liturgy and the autocratic constitution of the Church. They were ready enough to abjure all foreign supremacy, but they would not accommodate themselves to the ceremonies and forms of worship enjoined by Elizabeth, and insisted, in particular, on the Divine institution of a presbyterian form of Church government. Failing in these attempts, and not satisfied with the permission to introduce the Genevan constitution in Jersey and Guernsey, they either emigrated or organised themselves for resistance against the Act of Uniformity into separate brotherhoods or conventicles, for each of which they claimed full authority 'as a body corporate,' without being subject to any other power. In like manner they refused to recognise not only a priesthood, but any priestly office in the community. Others, the Presbyterians, while rejecting the separatist principles of the Brownists—the later Independents—attached themselves entirely to the Calvinistic Confession. Both sects were persecuted and suppressed under Elizabeth, though they proved their loyalty as subjects by their zealous support of the queen against the attacks of Catholicism.

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[1] Superseded in 1832 by the Judicial Committee of the Privy Council.

Anti-Catholic policy of the queen.

To form a right estimate of the Church policy of Elizabeth we must not only remember that the sixteenth century in general had not yet arrived at any idea of religious toleration, and that the open suppression of error was then regarded as inseparable from an earnest conviction of truth, but we must consider also that, as regarded the Protestant Dissenters, the preservation of the unbroken unity of the State-Church seemed to Elizabeth a matter of vital importance for the defence of her interests as civil sovereign. And in this harsh treatment of the Catholics she met with the concurrence of the vast majority of her subjects. While the Dissenters were frequently and strenuously supported by parliament, the queen, in the eyes of that assembly, did not go far enough in her measures against the Catholics, as is shown by the constant complaints against the excessive indulgence to popery. And assuredly these complaints were not without good foundation. We must not confine our sympathies to those individual priests who, at the risk of their lives, administered the benefits of their Church to their fellow-sectaries. We are bound also to consider the aggressive attitude of persecution then maintained by the Court of Rome. Whenever a State feels itself attacked by a power that seeks to extirpate all freedom of religion with fire and sword, it dare not tolerate in its bosom a persecuting Church of that character, as one entitled to equal rights. The fate of the Protestant States, in the oppression of the Netherlands and the massacre of St. Bartholomew, had given a clear warning of what was awaiting the English if they allowed free scope and license to Catholicism. For there were no means which the latter would scruple to employ to annihilate Elizabeth's kingdom after she had turned so decidedly to Protestantism. Gregory XIII. was unremitting in his endeavours to foment disturbances in England and Ireland. A Bull of Pius V. declared the queen to have forfeited the throne, and forbade the nobles and people of England to obey the commands of a woman, 'che si pretende regina d' Inghilterra,' under pain of excommunication. He founded at Rheims and Rome seminaries for English priests, who were to keep alive the zeal of their Catholic countrymen. All the efforts of the Catholic powers were directed to place Mary Stuart upon the throne; fresh plots against the queen's life were detected daily; it was at Rheims that Savage and Babington were instigated to attempt her assassination; and, after long vacillation, Philip likewise undertook the most formidable attempt at an invasion of England that had been made since the battle of Hastings. But it was precisely this common danger of attack that united the whole of Protestant England in defence of their queen. The Dissenters, who likewise demanded from the government the suppression of 'ungodly men and papists,' forgave her oppression of themselves in consideration of her anti-Catholic policy, and when the Armada was threatening her shores freely offered their services in the fleet and army. Even the Catholic peers arrayed themselves with their tenants and retainers to resist an invasion which aimed at the subjugation of England under a foreign power.

And it was this very universal danger of attack that raised Elizabeth into the universal champion of Protestantism. Just as her support enabled Henry IV. to conquer the League promoted by Spain, and her assistance was given at the critical moment to the Scotch Protestants, so it was also an act of self-defence when she interfered on behalf of the Netherlands. She could not

War of Independence in the Netherlands.

prevent the complete relapse to Catholicism of those Belgian provinces which had already been half converted to the Protestant faith, but she effectually debarred the Spaniards from reconquering the Northern Provinces, which were the buttresses of the revolt against Philip II., and became a bulwark of independence under the House of Orange. The South had begun the insurrection, but without renouncing Catholicism; it was not until later that the Northern Provinces entered into the struggle, but they carried it through victoriously. Throughout strictly Protestant, no compromise was possible between them and Philip's endeavours to re-establish unity of faith in all his States. The struggle personified itself in the grand figure of William of Orange, the Silent. He began it with the most inadequate resources; in vain he tried to convince the narrow-minded Lutheran princes of Germany that in Holland their own interests were at stake. When asked who were his allies, he could only answer that he had made a firm alliance with the King of kings before taking up the cause of oppressed Christendom. In his own camp he had to contend with patrician discord and jealousy; but the energy of his religious convictions, at whose service he placed those vast endowments of mind which made him the first statesman of his age, conquered all difficulties. When the ball of the assassin Gérard put an end to his heroic career, the independence of the Netherlands was assured. Born a Lutheran, and brought up a Catholic, William did not share the Calvinistic fanaticism of the Dutch. Like Henry IV., but differing from his prototype in this, that events had matured him into a profoundly religious man, William represented the principle of an equal toleration of all creeds. The pacification of Ghent, by which he hoped to unite the Southern with the Northern Provinces,

William the Silent, 1581–84.

expressed this idea; but when the South submitted to Spain, he could only lean for support upon Holland and Zealand, who, in their closer union, had agreed to tolerate no other worship but the Calvinistic. The age was not yet ripe for his ideas. The position of the Church in this new commonwealth was shaped in accordance with its peculiar nature. The model of the Huguenot Church had been adopted for her constitution in the Southern Provinces; but as the Northern Provinces by this time professed the Protestant faith, their Estates and magistrates assumed also the direction of the government of the Church. All attempts of William, as also at the second Synod of Dort in 1578, to establish a general Church-constitution were unsuccessful. Only provincial ones could be produced, which clung tenaciously to an active participation of the State in the government of the Church; the appointment of pastors and presbyters in particular being vested in the hands of the local magistrates.

Reformation in Scotland.

Differently again did the relations of Church and State shape themselves in Scotland. From the martyrdom of Patrick Hamilton in 1528 to the abolition of popery by parliament in 1560, the Reformers maintained a ceaseless struggle against Rome. But that struggle was essentially one of doctrine—the revolt of the awakened intelligence of the nation, and mainly of that middle class which had already proved the bulwark of Scottish independence, against 'popish idolatry;' not, as in England, under Henry VIII., a political movement of resistance to papal usurpations on the monarchy. The first beginnings of the Reformation in Scotland had been trampled down with reckless severity by the Catholic clergy and James V., who was allied by sympathies as by marriage with the House of Guise. It was none other than John Knox, a pastor who had fled from this persecution, and had been trained in the school of the Huguenots and of Calvin, who, after his revisit to Scotland in 1555, came forward as the leader of the Protestant cause. His exhortations led to the formation of the memorable bond or Covenant, in which some of the leading Scottish nobles, then virtually independent of the Crown, declared open war against the established religion. 'We do promise,' it ran, 'that we shall with all diligence continually apply our whole power, substance, and our very lives, to maintain, set forward, and establish the blessed Word of God and His Congregation, and shall labour at our possibility to have faithful ministers purely and truly to minister Christ's Evangel and sacraments to His people. We shall maintain them, cherish them, and defend them, the whole Congregation, at our whole power and wearing of our lives. Unto which Holy Word and Congregation we do join us, and also do forsake the Congregation of Satan, with all the superstitious abominations and idolatry thereof.' The members of this league, whose numbers rapidly increased, resolved to tolerate no punishment for disobedience to such laws of the Church, as being founded on the ordinance of man.

First Covenant of the Lords of the Congregation, December 3, 1557.

This declaration naturally met with vigorous resistance from the whole body of the Roman clergy, who once more resorted to the faggot and the stake. The Lords of the 'Congregation,' as the league was now called, addressed a petition to the queen regent, demanding the liberty to meet in public or in private, and to hear the Common Prayers in the vulgar tongue. Prudential motives induced Mary at first to temporise with these demands. But with the accession of Elizabeth, and under the sinister influence of the Guises, she abandoned her policy of caution and forbearance. At a provincial synod of the clergy, held at Edinburgh in 1559, the Lords of the Congregation repeated their demands, and

Opposition of clergy and queen regent.

insisted that the bishops should be chosen with the consent of the nobility and barons of the diocese, and the parish priests with the consent of the parishioners. These demands were peremptorily rejected, but the attempt to suppress the growing movement served only to make it more general. The re-arrival of Knox at this crisis (May 2, 1559) gave fresh vigour to his party. The populace, inflamed by his fiery but ill-judged denunciations, broke out into open excesses. 'The best way to get rid of the rooks,' he said, 'is to destroy their nests;' and shrines were ransacked, images destroyed, and religious houses demolished. The result of this iconoclastic outbreak of popular fury was civil war, which ended at the peace of Edinburgh (July 8, 1560) in the triumph of the Reformers, who, with the powerful assistance of Elizabeth, the ally of the confederate lords, deprived the Court party of its chief support by the dismissal of the French auxiliaries. The parliament, acting on a petition of the Reformers, which demanded the abolition of the Establishment, called upon Knox and his companions to draw up a Confession of Faith, which was accordingly elaborated in twenty-five articles, and was ratified almost unanimously by the Estates.[1] Three subsequent acts completed the overthrow of the Catholic hierarchy. The first abolished 'for ever' the jurisdiction of the pope; the second repealed all previous statutes in favour of the old religion; the third prohibited, under heavy penalties, the saying or hearing of mass.

Civil war, 1558–1560.

Popery abolished by parliament. The Confession of Faith.

From this point may be said to date the second epoch of the Reformation, the struggle of the Church being now not with Rome, but with the State. Hitherto the parliament had simply destroyed—it had built up nothing; for although the doctrines of the Reformation were ratified, it had as yet made no attempt to organise or establish by civil authority the Reformed Church. This was done by the clergy themselves, out of deference to whom the Privy Council gave to Knox and others a commission to prepare a system of ecclesiastical polity. The document they drew up, called the First Book of Discipline, was approved by the first General Assembly in 1560. Its principles were simple, and based on equality within the Kirk; but it laid down distinctly the right of the Congregation to elect their own ministers. Perhaps its most noticeable features were the division of the country into ten new dioceses, each under a superintendent, and the establishment of an organised system of parish schools.[1] But this scheme, moderate as it was, failed to receive the sanction of the Privy Council. The State maintained an attitude of cautious reserve; and for seven years the Church, though recognised, continued unestablished, while the clergy, unsupported and unaided by the civil power, perfected their government by the introduction of ruling elders, Kirk sessions, and presbyteries.

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[1] It is noticeable, as showing the purely doctrinal character of the Reformation at that time, that this document scarcely touches on the relations of Church and State, except to inculcate in the chapter 'Of the Civil Magistrate' the duty of obedience on the part of the subject to the civil power. The refusal of the Privy Council to ratify the First Book of Discipline gave the first warning of collision with the State.

First Book of Discipline.

Mary Stuart, nursed as she had been in the traditions of the Guises, regarded the Scottish Reformation, as well as the civil constitution, with the profoundest aversion. She was forced, indeed, to accommodate herself to both, and it was only by great efforts that she obtained permission to attend mass in her private chapel. But in her eyes the situation of affairs was only heresy triumphing through rebellion; and she entered into close alliance with the Catholic powers to re-establish the old religion in Scotland, and afterwards, by virtue of her hereditary rights, in England. The last attempt precipitated her ruin, for she incurred the hostility of a sovereign whose will was too powerful to brook resistance or rivalry. The same parliament which ratified in 1567 her abdication at length broke its silence on ecclesiastical questions, and the Church was now brought into immediate contact with the State. By the Act of 1567 the Reformed Church was formally declared the 'only true and holy Kirk of Jesus Christ within this realm.' Lay patronage, it is true, was retained,[1] but the examination and admission of ministers was to be 'only in the power of the Kirk,' and all other ecclesiastical jurisdiction was expressly abolished. The 'Convention of Leith' in 1572 attempted to revive the episcopal framework of the Church, but the bastard 'Tulchan' prelacy of Morton passed into a bye-word of reproach. Foremost among its opponents was Andrew Melville, who had now returned from Geneva to take up the leadership, vacant by the death of Knox. Under his direction the General Assembly revised the system of Church polity by the adoption of the 'Second Book of Discipline'—a revised edition, in fact, of the Huguenot discipline approved by the first national Synod at Paris in 1559.[2] Purporting to be based on the pure Word of God, it contains the first explicit declaration of the relations of Church and State—the 'power of the keys' and 'the power of the sword.' Its fundamental principle is that of separation, but in such a manner that the ecclesiastical is virtually placed above the civil power. The Church, being subject only to Christ, her spiritual Head, is independent, therefore, in matters spiritual, of any other power. 'As the ministers and others of the ecclesiastical

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[1] Spotswood's 'History of the Church of Scotland,' pp. 152–174.

Act of 1567.

Second Book of Discipline, 1578.

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[1] This concession was not then of so much importance, since three-fourths of the benefices were in the hands of ecclesiastical patrons. Buchanan's 'Ten Years' Conflict,' i. p. 68.

[2] Burton's 'Hist. of Scotland,' v. 469. For the declaration itself see Spotswood, pp. 289–302.

estate are subject to the magistrate civilly, so ought the magistrate to be subject to the Church spiritually and in ecclesiastical government.' At the same time, as 'the civil power should command the spiritual to do its office according to the Word of God,' so the 'spiritual rulers should require the Christian magistrate to minister justice and punish vice, and to maintain the liberty and quietness of the Church within proper bounds.' The civil magistrate is to 'assist, maintain, and fortify the jurisdiction of the Church, and punish them *civilly* that will not obey her discipline;' but he is not to 'execute any censures of the Church, nor yet prescribe any rule how it should be done.' Upon all office-bearers in the Church, whose functions were divided into those of doctrine, discipline, and distribution, devolves the right to exercise spiritual government. But none is subordinate to another, neither is any to dominate over the Church; they are to 'rule with mutual consent and equality of power.' Their duty is simply to minister the Gospel, and therefore 'none ought to be intruded into any office contrary to the will of the congregation.' The only constitution of the Church in accordance with Scripture is that of presbyters or elders—the presidents or governors of the Apostolic age. They are chosen by the congregation for life, being partly laymen, partly ecclesiastics, and they enjoy absolute equality of rights. A graduated series of Church assemblies was established. The lowest was the Kirk Session, consisting of elders of a particular congregation, with the minister as moderator[1] or chairman. Next in order came the Presbytery, composed of all the ministers of a certain district, and one ruling elder from each parish. It had the 'general care of ecclesiastical discipline, and to see that the ordinances of provincial, national, and general assemblies were put into execution.' The various presbyteries of each province meet twice a year in Provincial Synod, and elect delegates to the General Assembly, which forms the supreme court of judicature for the Kirk, and is, in fact, the Kirk herself.

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[1] The term 'Moderator' was derived from the Huguenots.

Such was the 'charter' of Scottish Presbyterianism. Its leanings to the Calvinistic and Huguenot constitutions are sufficiently obvious; but it is peculiar in asserting the absolute equality of elders and ministers, and in transferring the centre of authority to the Presbytery of the district, instead of the Provincial Synod, as in France. The elaborate hierarchy of ecclesiastical courts, which, though resting primarily on the popular will, nevertheless controlled that will in its exercise, shows a marked advance beyond the simplicity of the 'First Book,' which merely declared that 'it appertaineth to the people, and to every several congregation, to elect their minister.' Nay, under Knox and his associates the people had not only been recognised as the ultimate source of ecclesiastical power, but had enjoyed its immediate exercise over their office-bearers; the minister being periodically examined as to the discharge of his duties by the kirk session, and the superintendent by his provincial assembly.[1]

The sharp separation of secular and ecclesiastical government is especially characteristic of this 'Second Book.' It is recognised, at the outset, that both are 'of God,' and tend to advance His glory, if rightly used; but equally plainly is the full autonomy of the Church insisted on in her relations with the State. It is declared, in plain terms, that there are two kingdoms in Scotland, one of which is the Church, whose subject also is the king: if the latter were to claim the rule over the Church as well as over the State, he would forfeit both. This view was inherent, indeed, in the whole spirit and tenor of the Scottish Reformation; but it became an unavoidable necessity, through the hostile conduct of the reigning dynasty. It was impossible to concede to bigoted Catholic sovereigns a right of co-government in the Church. Knox was perfectly entitled to reply to the queen's secretary, Maitland of Letherington, who insisted that it was 'suspicious to princes that subjects should assemble and keep conventions without their knowledge:' 'If the liberty of the Kirk stood, or should stand, upon the queen's allowance, we are assured not only to lack assemblies, but also to lack the liberty of the public preaching of the Evangel.'[1]

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[1] Grub's 'Ecclesiastical History of Scotland,' ii. p. 224.

'Black Acts' of 1584.

With a monarch like James VI., whose favourite motto was 'No bishop, no king,' the Church, thus newly reformed, was bound to come into conflict. The Assembly in 1580 passed an Act condemning prelacy, and required all bishops to resign, a command which all but five obeyed. But though worsted in the affair of Montgomery—a case which foreshadowed the difficulties at the Disruption of 1843—the king maintained the contest with the Church. The 'Black Acts' of 1584 laid down the doctrine of the royal supremacy, and made the civil power the fountain of all lawful jurisdiction in matters spiritual as well as temporal. Only eight years afterwards all was changed, and the Church resumed her liberties as suddenly as she had lost them. The obnoxious Acts of 1584 were repealed; the Presbyterian Church-courts were ratified and approved; the jurisdiction of the Church in spiritual matters was declared to be of Divine right.[2] The settlement of 1592 secured, in short, almost all that Melville had fought for, and terminated a contest of thirty-two

Settlement of 1592.

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[1] Knox's 'Hist. of the Reformation,' McGavin's edition, p. 257. This conference, as Dr. Buchanan observes, contains the germ of the whole controversy on which the Church was now entering.

[2] Act. Parl. iii. 541. One condition, denounced afterwards as Erastian, was introduced. The king, or his commissioner, was to preside at the General Assembly, and appoint the time and place of its sittings.

years. 'The Kirk of Scotland,' says her historian, 'was now come to her perfection.'[1] How transient was this 'Settlement'—clothed, though it was, with the solemn sanction of statute—the struggles of the next century will show.

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[1] Calderwood, v. 387.

CHAPTER XIV.

THE CONTESTS OF THE SEVENTEENTH CENTURY.

Religious State of Europe in 1600—Catholic Victories—Dogmatic Theology of the Lutheran Church—Her Moral Deterioration—Secessions to the Reformed Church—Evangelical Union against the Catholics—Protestantism deserted by Saxony—Peace of Westphalia—Religious Policy of Richelieu—Absolutism of Louis XIV.—His Quarrel with Rome about the Regale—Revocation of the Edict of Nantes—Suppression of Jansenism—*Declaratio Cleri Gallicani*—The Contest with Rome renewed—The Dutch Catholics and Jesuits—Church and State in England under the Stuarts—Rise of the Independents—Cromwell's Religious Policy—Views of Milton—Declaration of Indulgence—William III.—Enactments of Papists—Schism between the Arminians and Gomarists—Synod of Dort—The Church in the North-American Colonies—Charter of Rhode Island—Protestant Illiberality in Germany—Toleration Edict of the Great Elector.

Religious state of Europe in 1600.

At the opening of the seventeenth century the relative position of Protestantism and Catholicism was this. The former maintained its ground in the North, the latter in the South of Europe. But besides this, Catholicism had reconquered a large portion of her dominion in the intermediate and disputed territory, where, during the first decade of the century, the hierarchy, led by the Jesuits, continued to make progress. In Poland, where the Estates and towns were now thoroughly Protestant, the cardinal-legate Bolognetto succeeded in obtaining from the sovereign, who still remained Catholic, the exclusion of Protestants from all public offices and the restitution to the Roman Church of all Protestant places

The Reformation suppressed in Poland,

of worship. The armed opposition of the Estates was crushed by Sigismund III.; the Jesuits usurped the entire conduct of education, and it was only in a few towns that the Protestants were able to hold their own. Matters took the same course in Austria. The Archduke Ferdinand began, according to the principle of the Religious Peace of Augsburg, to make the Catholic faith once more dominant in his hereditary provinces of Styria, Carinthia, and Carniola. Evangelical worship was everywhere interdicted, and Commissions of Reformation were issued in Upper and Lower Austria between 1599 and 1603, which completed the same work in those districts. In Bohemia Rudolf II. annulled the general liberty of conscience, which had been granted by his father, and forbade all meetings of Lutherans and Calvinists, declared them ineligible for office, and closed their places of worship, including those of the Moravian brethren. In Hungary force was employed against the Protestants. With these victories the Catholic reaction felt itself strong enough to interfere once more in the affairs of the empire. In the Imperial Chamber the Catholics obtained a majority, and interpreted in their own sense the Religious Peace. At the Diet of Ratisbon, in 1608, the Archduke Ferdinand, as representative of his father the emperor, consented to ratify that peace only on condition that the Ecclesiastical Reservation should be effectually carried out, and that the convents and bishoprics, which had been appropriated by the Protestants, should be restored to the Catholic clergy.

and in Austria.

Commencement of the Thirty Years' War, 1618–48.

We stand thus upon the threshold of that famous contest which broke out in 1618—a contest destined to devastate Germany for thirty years, to reduce her to the lowest depth of exhaustion, to throw back her national civilisation for centuries, and to make the empire a plaything of foreign powers. This is not the place to follow the vicissitudes of that memorable war; but it is well worth while to enquire what was the cause that, in spite of the internal confusion of the hereditary States of Austria, Catholicism gained one victory after another during the first half of this period of conflict; and that, even after its power had become so profoundly weakened by the intervention of Gustavus Adolphus, its rival, German Protestantism, was unable to profit by the opportunity afforded her, and was only saved from ultimate defeat by the protection, so pregnant with future importance, extended to her by Richelieu.

Causes of Catholic success.

The secret of Catholic success undoubtedly was this, that Catholicism offered an unbroken front, was skilfully generalled by the Jesuits, and was monarchically organised; while the Protestant world had lost its head with the death of Elizabeth, and was so much a prey to internal disunion that, in Germany at least, the Lutherans and Calvinists hated each other even more than they hated the Catholics. In the Lutheran Church this hostile movement against Calvinism had increased in proportion as, with the development of the episcopal system already described, the theologians became all-powerful. It frittered away its strength in the scholastic elaboration of dogmatic theology, and in the decision of controversies on the principles of a mechanical inspiration of Holy Writ. With all their boasts of doctrine pure and undefiled, these learned casuists did not perceive that Luther proved most conspicuously the grand freedom of his system precisely when he ventured a critical judgment on the value of particular books of Scripture. Instead of clinging to his example, and basing the principle of a Scriptural standard of belief on the proof of the genuineness of its component books, his successors now insisted that every single word was absolutely inspired by God, and that the sacred text, therefore, was in a literal sense and in all points absolutely infallible—nay, perfect even in style and composition. They overlooked the fact that by so doing they were insisting not on the principles of Luther, but of Calvin.

Dogmatic theology of the Lutheran Church.

As a natural consequence, these Lutheran polemists were placed at a disadvantage even towards the Catholic theologians, who regarded the Scriptures simply as an element of ecclesiastical life collectively, and by means of the collateral and corrective authority of tradition and the infallibility of the Church were able to concede a distinction between essentials and non-essentials. On the other hand, this pseudo-Lutheran principle was bound to result in intolerance and bigotry, condemnatory alike of all independent and scientific criticism, and, in short, of all diversity of opinion. When Gregory XIII., after the discoveries of Copernicus, endeavoured to introduce his reformed Calendar, the Protestant States refused to accept the innovation, as one proceeding from an anti-Christ. 'If the pope should succeed,' it was said in the Memorandum of the theological faculty at Tübingen, 'in imposing the new Calendar upon us, in the name and under the authority of his imperial majesty, he would bind us by the horns so firmly that we should not long be able to avert his tyranny over the Church of God.'[1] All learning and cultivation among the upper classes rapidly declined with the inroads of formalism in the Gymnasia, where the German language was well-nigh interdicted, where Greek was taught only niggardly, and where the industry of professors was devoted solely to elaborate dissertations in Latin. It is true that the German Bible continued all this time to offer its inexhaustible consolations to the people; and those Church hymns, which have given to the Lutheran the name of the singing Church, were still in the prime of their popularity. But nevertheless the sap of her real creative energy was dried up. While her theologians claimed the right to fulminate from the pulpit their invectives not only against the Calvinists, but also against those fellow-Lutherans who in any way represented opinions diverging from their own, with a fury so indiscriminate that even the staunch Lutheran Johann Arnd was assailed as a Syncretist and destroyer of Christ's flock, simply because, in his 'True Christianity,' he had insisted on the primary importance of a holy life,[1] the vices of coarseness, superstition, and immorality were spreading among all classes of the people. The preachers were not ashamed to inflame their hearers against the so-called heretics, by urging niceties of doctrine, so subtle and abstruse that the present generation would scarcely be able to comprehend them. The dominant party was not satisfied with words of uncharitableness and abuse, or even with the excommunication and deposition of their opponents. The latter were banished, imprisoned—nay, even executed, like the Court preacher Johann Funk, at whose execution in the market-place at Königsberg the multitude, goaded to fanatic fury by their pastors, sang the hymn, 'Nun bitten wir den heil'gen Geist.' Just as in former times, under the Roman empire, when one of the emperors reigned at Byzantium and the other in the West, and each of them, as frequently happened, adopted a different system of theology, so now, at the various Courts in Germany, one party was persecuted here, and the other there, as heretical. And while these theological altercations excited universal commotion, Lutheran princes, like Duke Julius of Brunswick, vied with their Catholic brethren in

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[1] The Gregorian Calendar was introduced into the Catholic States in 1581. England, almost the last of the European countries, refused to accept the improvement till 1751.

Mutual enmity of Lutherans and Calvinists.

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[1] See Arnold's 'Kirchen- und Ketzerhist.,' part ii. vol. xvii. cap. vi., and Scharf's 'Supplementum Hist. litisque Arndianæ,' Wittenberg, 1727.

Protestant persecution of witchcraft.

the torturing and burning of witches. It never occurred to their theologians and universities, who were daily combating the anti-Christ at Rome, to consider whether the persecution of witchcraft, based solely, as it was, upon the edicts of a few popes, had in reality any Scriptural foundation. The Jesuit Spee was the first to raise his voice against this barbarity. But the practice, nevertheless, continued; and as late as 1650 the famous canonist and criminal jurist Carpzov ventured to assert that even the denial of the reality of devilish compacts deserved severe punishment. At such a time of moral deterioration, reflected even in the decay of the national language, well might the noble Valentine Andrea lament that religion itself seemed almost about to perish altogether. It had been made, in fact, a mere science of divines; but in the petty squabbles over learned subtleties they had forgotten the exercise of Christian virtues. The people had rejected the dominion of the pope of Rome, but a multitude of little popes had been set up in his place. Human ordinances had been abjured, but only to be exchanged for others scarcely even human, which were now paraded as the Word of God.

Secessions to the Reformed Church.

The demoralised condition of the Lutheran territorial Churches of Germany serves principally to explain why, on the one side, so many of the most influential princes, of decidedly Protestant tendencies, went over to the Reformed faith, while, on the other side, those who remained Lutheran mostly joined the House of Austria. The first German prince who espoused Calvinism was Frederick III., elector Palatine, the author of the Heidelberg Catechism. Louis, his son and successor, who was an equally zealous Lutheran, rescinded, it is true, the acts of his father, banished the Calvinistic preachers, and restored the Lutheran worship; but after his death, and during the minority of his son Frederick IV., the regent, John

Casimir, again expelled the Lutherans, and in 1583 finally reinstated the Calvinists. Next followed the prince of Anhalt; Ernest Frederick, margrave of Baden; Maurice, landgrave of Hesse; the dukes of Brieg and Liegnitz; and lastly also John Sigismund, elector of Brandenburg. That these changes of confession were in themselves a favourable sign can scarcely be maintained. With the exception of a few imperial cities, the Reformed faith had never taken root among the people. The vast majority of the nation, so far as it was Protestant, was Lutheran; nor is it possible to deny that the resolutions of the Synod of Dort had distinctly affirmed the doctrine of Predestination, with a roughness of definition which the Lutheran divines found it easy to denounce as unscriptural. Still worse was it that those princes who had gone over to the Reformed, now employed that ill-omened 'right of reformation' to remove the Lutheran professors and clergy within their territories, and impose their own confession upon the people. In this manner, by numerous alternations of arbitrary power, the Lutheran Palatinate was made, within the course of a few years, first Reformed, then Lutheran, and then again Reformed. John Sigismund alone presented an honourable exception to this policy, by voluntarily abandoning the right of reformation, and declaring that he did not wish to force any of his subjects to embrace his newly-adopted faith.[1]

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[1] This memorable declaration is as follows (*Conf. Sigismundi*, 1614):—'Although his Highness the Elector is sufficiently assured in his heart and conscience that such Confession is really conformable to the Word of God and pure, and would wish to live to see nothing more dear to him than that the Lord God, of His pure grace and mercy, would bless and enlighten his faithful subjects with the light of His infallible truth; yet, inasmuch as faith is not a matter of everyone's concern, but an operation of and a gift from God, and no one is allowed to rule over the consciences, or, as the Apostle St. Peter says, to wish to be a ruler over the faith, which alone is proper for Him who knows

Yet naturally the difference of religion between the reigning family and the people remained a source of discord, as the elector himself had to experience when his Lutheran Estates refused their aid to his brother-in-law the elector Palatine, Frederick V., in his contest for the crown of Bohemia; and it has also been the starting-point of all those well-meant but always unsuccessful attempts to unite the two confessions.

Catholic reaction directed against the Reformed.

Meanwhile, the circumstance of ruling moment was this, that the Catholic reaction at that time directed all its forces against the Reformed. This was done partly because its prime movers, the Jesuits, believed they could assure, for their attack against Calvinism, at least the appearance of formal legality, since, as they argued, the Religious Peace only applied to the adherents of the Augsburg Confession, among whom the Lutheran zealots allowed no place to the Calvinists; but chiefly because they felt, with a correct instinct, that in the Calvinists—striving, as they were, to give practical effect to the consequences of Protestant teaching, not only in the ecclesiastical, but also in the civil polity—lay at that epoch the real motive power of Protestantism in general. The Lutherans, they hoped, could be disposed of later on, if only they could now be isolated.

Evangelical Union

The Reformed princes, therefore, were in nowise to

the heart; therefore his Highness will not force any subject, either publicly or in secret, to accept this Confession against his will, but commends to God alone the course and progress of the truth, because it is not a matter of mere human events, but of God's own mercy.' This is followed by a prohibition of mutual slander and railing. It corresponded further with the mild spirit of this declaration that, with respect to Predestination, the elector rejected 'the blasphemous *Opinion*, as if God did not wish to have all men blessed, and as if God Himself could not discover in His private judgment-chamber who was elected for eternal life and who was not;' whereas the Heidelberg Catechism adhered to the stricter doctrine of Calvinism.

against the Catholics.

blame when, after the conduct of the archduke Ferdinand at the Diet of Ratisbon, in 1608, had revealed the danger that menaced them, they armed themselves for defence, and concluded the Evangelical Union. They entered into close relations with the Estates of Austria, Hungary, and Bohemia; and even contracted an alliance with Henry IV. of France, the full realisation of which, however, would scarcely have done more harm to Germany than the later intervention of Richelieu, but might probably have spared her the Thirty Years' War. That the 'Union' had to look abroad for aid was essentially the fault of electoral Saxony, which had long before inclined to the side of Austria. To her timidity and vacillation must be directly ascribed the success which attended the expulsion of the archbishop Gebhard, elector of Cologne, on his joining the Calvinists in 1583. At the last Diet of Maximilian II., where much might have been obtained in return for granting assistance against the Turks, Saxony allowed herself, from jealousy towards the Palatinate, to be diverted by the papal legate from a common prosecution of the Protestant cause; and even now, at the critical moment, when the rebellious States in Bohemia, after declaring that Ferdinand II. had forfeited their crown, elected the elector Palatine, Frederick V., in his stead, it was Saxony who actively supported the emperor against him. But how shortsighted was this policy—determined partly by the fanatical hatred of the Court preacher Hoe von Hoenegg towards the Calvinist Frederick, partly by the investiture of Juliers and Cleves, the prospect of Lusatia, and the promise of a preliminary non-appliance of the Restitution Edict to the convents which had been sequestrated by the Lutheran States! When, by the one fatal battle of the White Mountain (November 8, 1620), the 'Union' was destroyed, Dresden triumphed over the

The Protestants deserted by Saxony.

defeat of Calvinism, and looked on with indifference while Spinola ravaged the Palatinate, and the whole of Bohemia and Moravia was restored to Catholicism by force, the Protestant nobility, there as in the archduchy of Austria, being compelled to emigrate. But how swift was the retribution for this treason to Protestant interests, when now the flood of the Catholic reaction poured northwards! What misery did the elector entail upon his own country by his feebleness and avarice! He owed his safety solely to the narrow-minded jealousy which the emperor, the mere tool and dupe of his father-confessors, showed towards Wallenstein, whose design was to remodel the empire, and to the intervention of Gustavus Adolphus on behalf of German Protestantism. And yet electoral Saxony, after his death, richly as she had already experienced the gratitude of the House of Hapsburg, was unable to seize or utilise her position, offered to her by the course of events, as the leading power of Protestant Germany. The elector certainly, at the time of his sorest need in 1630, had entered into a defensive alliance with the Reformed Courts of Berlin and Cassel, and in consequence of this the theologians on both sides—both Lutheran and Calvinist—endeavoured to effect an agreement in a conference at Leipzig, upon the basis of the Augsburg Confession; but although a preliminary compromise was arrived at on the points in dispute, the negotiation ended without achieving any practical result.[1] Necessity then drove the elector to throw himself unconditionally upon the protection of Gustavus Adolphus. He even declared his readiness 'loyally to render his advice and assistance, in order that the Roman crown should be placed upon the head of his majesty.' But scarcely had the victorious career of the Swedish monarch been terminated by the battle of Lützen (November 6, 1632), when he recommenced that game of equivocation and duplicity which ended in the Peace of Prague (May 30, 1635). And the same Hoe, who at the Leipzig conference had negotiated the attempted union with the Reformed, declared in 1634, in answer to a question from his master whether a Lutheran State of the empire could with a good conscience assist to continue the war, in order that a league of Calvinistic States might be admitted to share the benefits of the Religious Peace, 'to assist in procuring for the Calvinists the free exercise of their religion was nothing short of rendering knightly service to the Devil, the author of Calvinistic abominations.' Furthermore, at the futile religious conference at Thorn in 1645, appointed by Vladislaus IV., king of Poland, for the purpose of uniting, if possible, the Catholics, Lutherans, and Reformed, the Lutheran representative at once demanded that the magistrates of Thorn and Elbing should revoke the prohibition existing in those towns against reviling the Reformed by name.[1] Nay, even after thirty years of misery electoral Saxony demanded, in the negotiations for peace, such terms to be arranged as would keep the Calvinists down. They were not to be designated as fellow-members of the Augsburg Confession, but were only to be tolerated 'at pleasure and so long as they conducted themselves quietly.' This condition the great elector of Brandenburg most strenuously resisted, and declared through his ambassadors 'that he did not intend to allow himself to be excluded from the Augsburg Confession, or to have the reputation among his own subjects

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[1] A similar project of reconciliation was attempted by James I. of England in 1615, through the instrumentality of Peter du Moulin, as well as by the Synod of the Reformed Church of France, held at Charenton in 1631. Mosheim, sect. ii. part ii. cap. i.

Peace of Westphalia

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[1] For the acts of this Conference see Jäger's 'Historia Sæcul. XVII.' decenn. v. p. 689.

—for the most part Lutherans—of having been forced to obtain admission, as it were by begging, to a new right, while with heart and soul he actually professed the Augsburg Confession.' In their counter-protest the Reformed electors, princes, and Estates demanded that all rights and liberties conceded to the Catholic and Lutheran States of the empire should be adjudged to themselves, especially the right of reformation, and all that they had exercised hitherto, saving only such particular questions as had been settled between them and their subjects by voluntary agreement.[1] In this manner, by Article VII., § 1, of the Peace, an equality of rights, both with Catholics and the members of the Augsburg Confession, was granted to those Estates 'which among each other called themselves Reformed.'

admits the Calvinists to the Religious Peace.

Its disastrous effects on the empire

This result of the terrible Thirty Years' War, thus embodied into law by the Peace of Westphalia, was satisfactory only for foreign countries, who indemnified themselves at the expense of Germany. It was equally disastrous for the latter as for the contending parties, politically as well as for their Churches. All was over for ever with the emperor and the empire. The last attempt at a monarchical organisation had suffered shipwreck with the fall of Wallenstein. The imperial power became henceforth an Austrian one. In its hereditary countries it had welded itself almost into an Absolutism, and wellnigh exterminated Protestantism. By so doing it had separated itself entirely from the rest of Germany. The empire itself, as such, was not among those powers who had concluded the treaty. The 'electors, princes, and Estates,' in conjunction not only with France and Sweden, but also with the emperor, were styled 'Co-pacificators.' They now gained a formal recognition of their territorial sovereignty, and enjoyed collectively the rights, not of separate States, but of a single body under the guarantee of the European powers. With regard to the reformation of the Church, there remained, instead of the hoped-for change and reconstruction, simply the hostile opposition, as before, of the old and new religions. Thus the counterpoise formerly offered by the Church to the propertied classes of the different States was destroyed; and the exclusive privileges of the upper, as well as the lawlessness of the lower orders, were confirmed in all their license and rigour.

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[1] By this the great elector wished to obviate the inference that the *Confessio Sigismundi* had surrendered altogether the right of reformation.

its terms of religious equality;

The character of the religious constitution of Germany, as settled by the Treaty of Westphalia, presents a general equality of position, under the laws of the empire, alike for Catholics, Lutherans, and the Reformed; the reconciliation, whether partial or complete, of the last two confessions being reserved for future decision. But beyond these three no other confession was to be tolerated.[1] The Evangelical Union and the Catholic League were both dissolved. The spiritual jurisdiction of the Catholic clergy over the Protestants, hitherto only suspended, was now finally abolished; and it was further determined that the customary privileges of the Church, arising out of her connection with the empire, should never be exercised to the prejudice of the Protestants. Towards these the empire was to enjoy merely the right of patronage, to be exercised in conformity with imperial law. Each secular State of the empire was to have full liberty to profess either of the three recognised religions, without losing thereby any of its rights. The ecclesiastical States, on the other hand, forfeited, by a change of religion, all their property to the Church which they had renounced. With regard to the ecclesiastical property belonging to the secular States, a definitive date was ultimately fixed (the 1st of January, 1624),[1] each party being entitled to possess whatever was in its hands on that day. By this method the former dispute concerning the Ecclesiastical Reservation was finally adjusted; its provisions, instead of being confined to the Catholics, being now extended to all the members of the Augsburg Confession, by the declaration that, if the incumbent of any ecclesiastical office changed his religion, he should vacate his office in consequence, and another person of the same religion be appointed in his place. In consonance, further, with the principle of religious equality, no less than with the long-cherished wishes of the Protestants, it was decided that the ecclesiastical proceedings of the Diet were no longer to be governed by a majority of suffrages, but by amicable accommodation; and the deputations of the Diet, as well as all extraordinary commissions which affected both religions, were to be composed of Catholics and Protestants in equal proportion. With regard to the position of the subjects in respect to religion, the *status quo* existing in the above-named 'definitive year' was to be restored in all cases where it had been altered.[2] The right of reformation, and with it the enforcement of emigration against the refractory, remained essentially unchanged, but was not to be exercised against those who were protected by the *status quo*, nor against such Protestants, nor even Catholics, as had not enjoyed at that time the right of public or private worship, unless they occasioned trouble and disturbance.[1] If a Reformed prince should become Lutheran, or *vice versâ*, or should acquire any territory in which the subjects enjoyed the exercise of a different religion, he was to be at liberty to allow his subjects to embrace the same persuasion, but was not to make any innovation in the established form of worship.[2]

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[1] Art. VII. § 1. Quoniam vero controversiæ religionis, quæ inter modo dictos Protestantes vertuntur, hactenus non fuerunt compositæ, sed ulteriori compositioni reservatæ sunt. . . . § 3. Sed præter religiones supra nominatas nulla alia in sacro Imperio Romano recipiatur vel toleretur.

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[1] For the territories of the elector Palatine, the margrave of Baden, and the duke of Würtemberg the year 1618 was prescribed, on account of the changes introduced by the Imperialists and Spaniards during their invasion of the Palatinate.

[2] One source of future differences arose from the interpretation of the Treaty, and was much canvassed at the Diet of 1653. This was the question of the *simultaneum*, namely, whether in a territory where the Protestant religion alone was established in the normal year, a Catholic sovereign could introduce his own religion at the same time (*simultaneum religionis exercitum*). See Pütter's 'Historical Development' ii. 240 *sqq.*

Its results to both parties.

The Protestants had thus nearly attained equality, but they had certainly lost considerably by their acceptance of the definitive year of tenure; and they failed even to set aside the exception made therein in favour of the hereditary States of Austria. They had lost Bohemia in consequence, and had suffered both in the Electoral College and in the Diet. The Catholics, on the other hand, had not only been frustrated in their object to extirpate the Reformation, besides being compelled to submit to the secularisation of Church property, and to make concessions to the Protestants in Hungary, but they had lost their unity, with which they had so hope-

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[1] Art. V. § 34. Patienter tolerentur, et conscientia libera domi devotioni suæ privatim vacare non prohibeantur, sed in cæteris officium suum cum debito obsequio et subjectione adimpleant, nullisque turbationibus ansam præbeant.

[2] This clause was introduced to explain the right of reformation, in consequence of the disputes subsisting among the Protestants. Although no similar regulation was mentioned or was necessary in regard to the Catholics, and although this clause is specifically described as a convention between the two Protestant sects, yet the Catholics afterwards availed themselves of this article to arrogate the same privileges as the Lutherans and Calvinists conceded to each other. Coxe's 'House of Austria,' ii. 335.

State interests predominate,

fully commenced the struggle. The very horrors of the religious wars, after the heat of passion was expended, led to this result, that political motives once more triumphed over ecclesiastical, which were pushed into the background by the *ratio statûs*—the modern *raison d'état*—manifested though it was at first in a purely dynastic form. Political relations made France an ally of the German Protestants, and Spain an ally of the French Huguenots, to whom the Protestants of Germany again gave assistance against France. Even the Curia itself, which had laboured unremittingly to provoke the contest against Protestantism, finally abandoned this policy. Urban VIII. (1623–44), to whom the strengthening of the States of the Church was an object of paramount importance, allied himself with Richelieu, in order to secure the hereditary succession in Mantua of a prince independent of Spain, at the very moment when the French cardinal was about to execute his grand design against the House of Hapsburg. The pope, in short, opposed the very power which had made the restoration of Catholicism the supreme object of its life. The united intrigues of his nuncio and Père Joseph, the confidant of Richelieu, succeeded in gaining over the Catholic electors, who demanded and obtained from the emperor the dismissal of Wallenstein. Thus Urban VIII. directly paved the way for the victories of Gustavus Adolphus, and assisted in breaking the power of the Hapsburg dynasty, then in its zenith, simply because he apprehended danger from that quarter to the States of the Church. This return to the policy which centred its efforts on the maintenance of a secular principality in Italy soon showed itself to be of far-reaching significance. The Treaty of Westphalia had already declared that ordinances of civil and canon law should be null and void, if running counter to its provisions; and that all

even at Rome.

who appealed to them should stand convicted as disturbers of the public peace. The papal Bull and protest—*Zelo Domus Dei*—issued by Innocent X. (November 20, 1648) against this treaty, were disregarded.[1] The interdict, imposed by his predecessor, Paul V. (1605–21), on the republic of Venice, remained a mere *brutum fulmen.* The Senate stood firm, and the result was the banishment of the Jesuits and the prohibition of papal Bulls. The pope was obliged to absolve the republic from the sentence, without any change being made in the laws which he had condemned as 'blasphemous;' and it was not until 1653, after a defeat of the Venetians by the Turks, that the Jesuits were able to purchase their return by the payment of a large sum of money.

Religous policy of Richelieu.

In France Richelieu, it is true, opposed the Protestants whom he supported in Germany, but only as a political party, who possessed fortified places, troops, and ships. To remove the state of things which placed a political barrier between Protestant and Catholic France, he scrupled not to employ every means in his power. The religious liberty of the Reformed, however, he left untouched in the *Edit de Grâce*, published after the fall of La Rochelle, and he positively refused the demand of the Curia and the Catholic clergy in France to prohibit the Protestant worship, his wish being not to force the

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[1] A member of the Centre maintained the other day, in the Prussian House of Deputies, that the papal protest referred only to the maxim '*cujus est regio, ejus religio.*' So far from this, however, it directly impugns Art. IV. § 10, and Art. V. § 35. 'Articulos præfatos, aliaque præmissa præjudicialia, motu, scientiâ, deliberatione, et potestatis plenitudine damnamus, viribus et effectu evacuamus, et contra illa, deque illorum nullitate coram Deo protestamur.' This protest, which was renewed as recently as at the Congress of Vienna, shows how irreconcilable is the antagonism between the principles of the Vatican and those of modern State-rights, just as the Treaty of Westphalia established the first decisive victory of the latter.

Huguenots to emigrate in despair, but to nationalise them and limit their field of activity to matters purely ecclesiastical. As for the Catholics, his sympathies certainly were not with the extreme Gallicans; on the contrary, he extorted from Richer a kind of recantation, acknowledging that the pope was indispensable to the stability of the Church. At the same time he uniformly protected the rights of the Crown, and reserved all bishoprics for its devoted supporters. The pope he treated as a foreign potentate, and replied to his reproaches upon the alliance of France with England, Holland, and Sweden by telling him that religion must not be confused with politics. When the Curia complained of his assisting Switzerland in her quarrel with Spain, who supported the Catholic insurgents of Valtelina, he replied that the king of France was as good a Catholic as the king of Spain, but that the fact of the Grisons having a Protestant government did not cancel the obligation of its Catholic subjects to obey it.

Absolutism of Louis XIV. 1643–1715.

While Richelieu thus based his whole policy upon reasons of State, it was inevitable that Louis XIV., who, after the preparatory labours of the cardinal, was endeavouring to establish the absolutism of the State, should come *à fortiori* into conflict with the counter-efforts of the hierarchy, resulting, as they invariably do, in perpetual interference in purely national affairs. However good a Catholic he felt himself in his aversion towards Protestantism, he was equally unwilling to be the servant of the pope: he desired, on the contrary, to be supreme over the Church as over the State. It was, therefore, by no means sufficient for him that the Sorbonne maintained against the Jesuits the independence of the Crown in all secular matters, and contested the infallibility of the pope. Neither was he satisfied with the extensive rights which the Concordat of 1516 had conceded to the French kings over their clergy. He considered the property of the Church as the original property of the State, conferred as usufruct by the Crown upon the temporary holder of an ecclesiastical office, and reverting to its owner at every vacancy, to be freely transferred again to a new tenant. It was an ancient privilege of the king (*le droit de régale*) to receive the revenues of vacant bishoprics, and to bestow the benefices which were in the patronage of the deceased bishop, if any such livings happened to fall vacant—a privilege not prevailing only—and Richelieu respected the exemption—in the four Southern provinces of Guienne, Languedoc, Provence, and Dauphiné. Louis XIV. wished to extend it to these provinces also, and issued an edict in 1673 requiring all the clergy in the kingdom, without distinction, to submit to the regale. Innocent protested against this edict, and threatened to excommunicate all who refused to obey him. But Louis XIV. secured the assent of his clergy, who were equally ready to acquiesce in the domination of the Church by the State as in the infallibility of the pope. A few prelates only resisted the royal edict; but the great majority of the episcopate were thoroughly devoted to the king, and even consented to an additional payment of five and a half million livres in return for the promise to suppress the 'religion prétendue Réformée.' Towards this end the clergy had been labouring unremittingly. To every grant of money to the royal coffer, which was always empty, was affixed the stipulation for fresh measures against the Protestants, whose position grew daily more perilous and perplexed, especially as the greater part of the nobility, their former leaders, had gone back to Catholicism.

His quarrel with Rome about the regale.

At length the quarrel between the king and the pope about the extension of the regale offered an opportunity in 1685 for effecting the Revocation of the Edict

Revocation of the Edict of Nantes,

of Nantes.[1] Far more severely than a Philip II. must Louis be judged for this act. The former lived in an age when two hostile parties, one of which he embraced with the full fervour of religious conviction, met for the first time, and therefore with all the greater violence, in conflict. Add to this that the rebellion against the Church, which to Philip appeared nothing short of blasphemy, was maintained by a people alien to him in blood, habits, and character, who were also guilty of civil revolt. Louis XIV., on the contrary, had at his back Henry IV., Port Royal, Colbert, and Corneille. His fury was directed against his own people, from whom he had nothing to fear, who only wished to practise their own religion in peace and quiet, and who did not even murmur against any preference shown to the Catholics. Intoxicated by his successes, and by the flattery of his sycophants at Court, amongst whom the ecclesiastics outdid the rest, by representing him as the image of God, he had reached the highest pinnacle of pride. The very fact of differing from his own religion appeared to him a kind of revolt, which was injuring the unity of his kingdom. Heavily enough did this oppression of conscience revenge itself upon him. The revocation of the Edict of Nantes robbed France of the most industrious of her citizens, notwithstanding the edict against their emigration. From all quarters it called forth righteous indignation, and opened the path to William of Orange for a European coalition, to which Louis finally succumbed. Still more severely, however, must we stigmatise the real authors and instigators of this act; and here it must be distinctly noted

Intolerance of the French bishops.

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[1] The most barbarous decrees now followed against the Protestants. Thus in 1686 it was proclaimed, ' Les Protestans malades qui refuseraient la viatique doivent être considérés comme apostats ; s'ils revenaient en santé, les hommes être condamnés aux galères perpétuelles, les femmes à la prison et à la perte de leurs biens ; en cas de mort, leurs biens vendus, leurs cadavres exhumés et jetés à la voirie.'

that the latter are to be sought for, not at Rome, nor yet among the Jesuits, but only among the French bishops, who concluded with the king a formal treaty to that effect. In the 'Acte du Consentement du Clergé de France à l'Extension de la Régale' there is expressly mentioned, as a counter-service, to be rendered for their concessions, the 'protection que le Roy nous donne par ses édits contre les hérétiques.' And Bossuet, in his Catechism of Absolutism, in the *Politique tirée des propres paroles de l'Ecriture Sainte*, teaches his pupil, the Dauphin, that the Church has the right to demand the extirpation of heretics. 'Ceux qui ne veulent pas souffrir,' he says, 'que le prince use de rigueur en matière de religion, parce que la religion doit être libre, sont dans une erreur impie.' The part played at this time by the French bishops suffices, once and for ever, to refute those who pretend that the episcopal system is more enlightened or tolerant than that of the Court of Rome.

Suppression of Jansenism.

The Jansenists likewise committed the crime and folly of approving the persecution of the Protestants—a persecution which only prepared the way for that to which themselves had shortly to succumb. Jansenism[1] itself was but a natural reaction against the distorted form given to Catholicism by the Jesuits. It not only insisted on Augustine's doctrine of grace, but opposed, in the domain both of morals and philosophy, that false and equivocal system of the Jesuits, which Pascal especially in his famous *Lettres Provinciales*, annihilated with such unsparing criticism. Supported by some of the Ministers of State and princesses of the blood, by a large number of the doctors of the Sorbonne, and by several of the parliaments, it gained sympathy among the lower clergy, whose petitions, however, were smothered by the episcopate by the appointment of a commission to examine into 'pernicious innovations' in matters of faith and morals. Louis XIV. was originally disposed to favour the movement, but the unremitting hostility of the Curia found an ally in the instinct of Absolutism, which regarded this independent, freely-thinking society as a body dangerous to royalty.[1] Jansenism, therefore, likewise was suppressed; and unity of religion seemed, outwardly at least, to be restored.

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[1] Cornelius Jansen, born in 1585, was originally a professor at Louvain, and obtained the bishopric of Ypres by his book 'Mars Gallicus,' in which he denounced in violent language the assistance given by France to the Dutch and Germans against Spain. But his fame was only posthumously acquired by the publication, two years after his death in 1638, of his work on the doctrines of Augustine, his defence of which excited the anger of the Jesuits, whom he designated as the modern Pelagians. They induced Pope Alexander VII. to frame a formulary, to be subscribed in future by every bishop, and condemning the five propositions extracted, as was alleged, from the 'Augustinus' of Jansen, but which in reality were nowhere to be found in that work. The Jansenists, ready to condemn the propositions, refused to subscribe the formulary on the ground that it was false in point of fact to allege that Jansen had written what was imputed to him; and further, as they

Few persons then imagined that the way was thus being prepared for the age of unbelief. But the calculations of the king and the clergy that, with the removal of all differences of religion, the independence of the French Church might be assured against Rome, were doomed to signal defeat. A synod was convoked for the former purpose, at St. Germain, in 1682, which led to the famous Declaration of the Gallican clergy. The preamble of this instrument admits the necessity of the pope for the unity of the Church, but declares that the apostasy of so many from Catholicism is attributable to the disregard of

Synod of St. Germain, 1682. *Declaratio Cleri Gallicani.*

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afterwards maintained, that the subject in dispute was a matter not of doctrine, but of fact, to which the pope's infallibility did not extend.

[1] The Jesuits denounced the criticism of 'Mars Gallicus' against the French as irreverent to sovereignty.

Gallican principles. These principles are established in four main articles, which may be summarised as follows:—

1. That neither the Church nor the pope have any right or power over the temporalities of kings, and consequently have no power to depose them, nor to absolve their subjects from their due allegiance.

2. That according to the decree of the Council of Constance a General Council is superior to the pope.

3. That the papal power ought to be regulated by the Canon Law, and should in no case infringe on the liberties of the Gallican Church.

4. That the authority of the pope extends chiefly to matters of faith, in which it ought to be universally respected. But that his decisions and edicts are by no means infallible nor incapable of correction (*irreformabiles*), unless they have been received and adopted by the Church.[1]

These celebrated articles, which had been previously revised by Bossuet, were approved by Louis XIV., who not only ordered their publication, but prohibited the teaching of any contrary doctrines. He declared further his opinion that they served 'to confirm our subjects in the reverence due from them, as from ourselves, to the authority conferred by God upon the Church; and at the same time to deprive the members of the pretended Reformed religion of the pretext they derived from the works of certain authors (*sc.* the Jesuits) to render odious the legitimate power of the visible Head of the Church and the centre of Church unity—the pope.'[2] Thus the king, on his part, yielded so far to the importunities of the bishops, with respect to the disputed question of the regale, as to concede that the induction to benefices, involving the cure of souls, should be subject to the fulfilment of Canonical precepts, as well as to examination and approbation by the constituted authorities of the Church. He promised further to put a stop to the immoderate exercise of the *appellatio ab abusu* to the parliament —the 'abus énorme des appels comme d'abus,' as Fénelon expressed it—which threatened to dissolve the whole discipline of the Church.

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[1] By this proposition the bishops themselves refuted their own judgment, by which in 1655 they had condemned as scandalous the assertion of Arnauld that the pope could err, if not in matters of faith, at least in those of fact (*question de droit et question de fait*); and rejected as 'audacious, heretical, and impious' his proposition that St. Peter and his successors could become weak in the faith.

[2] Besides his measures against the Protestants, Louis XIV. resorted

The contest with Rome renewed.

This declaration of Gallican principles plainly went beyond all previous ones. To the demands contained in the old Pragmatic Sanction it united the assertion of those privileges which Francis I. had claimed and obtained in his Concordat, in return for surrendering the most essential elements of the independence of the Gallican Church. But all the less was it to be expected that the pope would yield to these pretensions, since the example of France could not fail to prove contagious to other nations,—nay, since Bossuet himself declared his intention of making this declaration the groundwork for a general reconstruction of Catholicism. It was exactly from a Catholic standpoint that these Gallican principles were untenable. It was important to remember that, if the papacy definitely submitted to these principles, the triumph was assured of those views of the supremacy of general councils which had been entertained by the great assemblies of the fifteenth century. But this state of things had not yet come to pass. The Curia at that time had not yet sufficiently regained its ancient power to

to the most unconstitutional means to exclude from the Assembly every man of independent spirit; and now he seduced the members present by a skilful distribution of benefices. M. Gérin, in his 'Histoire de l'Assemblée,' gives some curious details of these artifices.

prevent acts like the Pragmatic Sanction of Bourges; but it undertook practically to weaken that compact later on by the Concordat with Francis I. It could not possibly allow those extensive rights, then conceded to royalty over the Church in France, to be further enlarged by the admission of those very principles which the Crown had surrendered in return. If the king and his bishops refused to tolerate any religious liberty in France, then the pope was equally entitled to demand that the French Church, which still wished to be a member of the Catholic one, should assimilate herself with the system of the universal hierarchy. If she claimed an exceptional position, the unity of Catholicism was broken: there would soon have existed only national Churches, no longer a real *Church.* The episcopate endeavoured, indeed, to conciliate Innocent X., in a letter of February 3, 1682, by passing over almost in silence these Gallican propositions, and dwelling with particular emphasis on the gain to the pope against heretics. But Innocent, in his reply, declared the resolutions of the National Synod to be null and void, and rebuked the bishops, in a bitter tone of acrimony, for their surrender of rights which not they, but he alone could dispose of. He repudiated, above all, as was natural, the controlling authority of General Councils, and showed himself utterly indifferent about the expulsion of the Huguenots, a measure which destroyed the last element of resistance to the absolutism of the king. War consequently began. The pope refused his institution to those bishops who had signed the four articles. The French ambassador at Rome maintained by force, and in defiance of the pope, the right of asylum which the latter had abolished in that city. Innocent thereupon excommunicated him; the king seized Avignon, took the nuncio prisoner, and appealed to a General Council; nay, he appears at that time to have seriously entertained the idea of severing the French Church from Rome and constituting her under the archbishop of Paris, as patriarch. The unfavourable state of political relations frustrated, however, all these plans; and it was sufficiently remarkable, as indicating the complex influence of politics at that time, that the champion of Protestantism, William of Orange, was favoured by the Curia, because he alone seemed capable of opposing the threatening ascendency of France, so perilous to the interests of Rome. The death of Innocent XI. in 1689 failed to terminate the contest. Louis XIV. was compelled to restore Avignon, and to renounce the claim to the right of asylum. After long negotiations the chief point of controversy was adjusted by a compromise, effected under Innocent XII., by which the king received the regale, as a privilege conferred by the pope, on condition that he agreed not to sanction or enforce any longer the resolutions of the Synod of 1682 directed against the Roman See. This result was only arrived at, it is true, through the medium of private communications; and Louis XIV. still declared that he had merely abolished the obligation to teach the four articles, but that no one should be hindered from confessing them who desired to do so. Nevertheless, he wrote in 1692 a repentant letter to the pope, begging him to consider the Declaration of 1682 as not made. The bishops were compelled to make a humble recantation, prostrating themselves, as they said, at the feet of his Holiness, confessing that their hearts were deeply grieved—more deeply than they could express—at the proceedings of the Synod of 1682, and declaring that they regarded all the resolutions there passed against the authority of the Church and the pope as absolutely null and void.[1]

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[1] See Fleury, 'Institutio Juris Eccles. Gallici,' p. 454. The whole contest is well described in Ranke's 'History of the Popes,' iii. p. 172. Mrs. Austin's trans., 1841.

Decline of Gallican liberties.

Thus ended, by a complete defeat, the campaign undertaken, with so much noise and ostentation, against the monarchical position of the pope within the Church. The clergy had thought to fortify the episcopal aristocracy in France by the ignominious compact acknowledging the regale, and granting lay subsidies to the king, in return for his promise to suppress the Protestant worship. But the issue was the reverse of their expectations. The old game of 1516 was repeated. Just as Leo X. had delivered over the Gallican Church to Francis I., so the pope now surrendered it to Louis XIV. The result was agreeable enough to the despotic tendencies of the king, who forthwith, although not publicly, disavowed the Gallican principles. Unity of faith seemed outwardly re-established by the dragonnades; but exactly from the revocation of the Edict of Nantes dates the decline of Gallican independence. Clement XI., whose view of episcopal duty was expressed in the maxim ‘Parere discant et non discutere,’ commanded the French clergy to obey implicitly his Bull *Unigenitus* of 1713, which put an end to Jansenism; and out of forty-nine bishops only nine had the courage to resist, although the condemned propositions included some which were based almost literally upon Scripture. The remaining forty submitted, as the bishop of Mans expressed it, ‘pour sauver la foi aux dépens de la bonne foi.’

The Dutch Catholics and the Jesuits.

Equally unfortunate was the attempt in Holland to establish a form of Catholicism independent of Rome. The Catholic faith had maintained its ground to a large extent in the province of Utrecht, where, even after the celebration of its worship was forbidden, the majority remained attached to the old creed. The archbishopric, created by Philip II. at the time of the Reformation, included under its jurisdiction the five newly-erected sees of Deventer, Haarlem, Leuwarden, Groningen, and Middelburg; and Frederick Schenck, the first archbishop, received his consecration in 1568. In the absence of his successor, a nominee of Spain, the Chapter elected Sasbold Vosmaer Vicar-General, who assumed the government of the province—containing at that time only 600 clergymen. To him the general of the Jesuits, who had been allowed to settle in Holland in 1592, offered his services for the reorganisation of the Catholic Church. Vosmaer disliked the Jesuits, of whom he remarked, 'Faciunt religionem politicam;' but, in the distressed condition of his diocese, he did not venture to refuse the proffered aid. The Jesuits, as usual, intermeddled in the affairs of the secular clergy, and intrigued against Vosmaer, who frustrated them, however, by going to Rome, where he was consecrated archbishop of Albano by the pope. The Jesuits thereupon denounced him to the States-General, who banished him, and he was forced to govern his diocese from Cologne till his death in 1614. However, both Vosmaer and his two successors, Rovenius and Neercassel, maintained with vigour their position against all the machinations of the Jesuits, whose object was to reduce Holland to a dependent mission under the papal nuncio at Cologne, and who accused at Rome the Utrecht clergy of Jansenism, although Rovenius himself, in his work 'The Christian State,' published in 1648, had maintained the infallibility of the pope, and all the clergy had willingly accepted the decrees of the Council of Trent. After the death of Neercassel in 1686 the Chapter elected at first Francis von Heussen, whose appointment, however, the Jesuits succeeded in cancelling at Rome, and afterwards the pro-vicar Peter Codde, and sent the curate of Leyden, Theodore de Cock, to Rome, in order to obtain the papal confirmation. The latter found, on his arrival, that all the depositions which the Utrecht clergy had sent to Rome in answer to the charges brought against them had been intercepted by

Arch-bishop Codde.

the secretary of the Propaganda. These depositions were now produced, and in September 1688 Codde's election was confirmed by the pope. But the new archbishop was imprudent enough to disregard the services rendered to him by De Cock, and this ambitious man, baffled in his expectations of a brilliant reward, became henceforth his determined foe. A vile pamphlet against the Church of Utrecht, 'On the Condition and Progress of Jansenism in Holland,' published anonymously by Father Doucin, the confessor of the French ambassador at the conference of Ryswick, raised such a storm that the Chapter insisted on Codde's going to Rome to defend himself. He was received with courtesy by Clement XI., but his deposition had been already decreed in 1699 at a secret session of the College of Cardinals. He was allowed, indeed, to plead his cause, though the charges against him were studiously concealed; but after a delay of more than two years a verdict of acquittal, given by a commission of cardinals, was set aside, and in 1702 Theodore de Cock was nominated Vicar-Apostolic in his place. The latter, however, was not acknowledged by the Chapter or clergy: the States-General protected Codde, and the pensionary Heinsius declined the intervention of the ministers of Poland and of the emperor, the latter of whom was instructed to give every support to the Jesuits. De Cock was banished, but Codde, who returned to Utrecht, refused to resume his archbishopric, and died excommunicate in 1710, a year after the expulsion of the Jesuits from Holland. After a long interregnum the Chapter, which had maintained its position throughout with great courage, elected Steenhoven, in 1723, as their archbishop, who was consecrated by a French bishop *in partibus.* But of the 300,000 Dutch Catholics only a few thousands remained faithful to the old Metropolitan Church after the deposition of Codde.

The Chapter appealed in vain from the Bull *Unigenitus* to a General Council. The Dutch Church was ruled as a missionary Church by the papal nuncio at Cologne; and in 1725 the community at Utrecht was solemnly excommunicated as 'heretics and schismatics.' Its history illustrates as much the iniquities of the Jesuits, who fomented the quarrel with Rome, as the hopelessness of reform within the Catholic Church. In vain did the people of Utrecht prove that they were no Jansenists, but thoroughly orthodox in their opinions even of the Roman primacy; and that their opposition to the Bull *Unigenitus* was shared by Catholic governments. All attempts at mediation remained unavailing, for Rome demanded an unconditional surrender.[1]

Church and State in England under the Stuarts.

In England, after the death of Elizabeth, the relations of Church and State assumed a totally different complexion. With the advent of the Stuarts a dynasty ascended the throne which was alien in its position towards the English people. Not only did it fail to understand the laws, but even the foreign relations of the country. Instead of coming forward, like Elizabeth, as the champions of Protestant Europe, the Stuarts regarded the absolutist princes on the Continent, who had abolished the constitutions of the States of the empire, as their natural allies against the English parliament, which neutralised their assertion of Divine right. Under James I. the outbreak of the struggle was only delayed because he limited himself to the theoretical interpretation of his claims as vicegerent of God. But the points of controversy were already sharpened; and there were

James I., 1603–25.

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[1] 'Archbishop Codde of Utrecht,' by R. Wenzelburger; Sybel's 'Historische Zeitschrift,' 1875. See also Dr. Neale's 'History of the so-called Jansenist Church of Holland.' At the Old Catholic Congress at Munich in September 1871 Dr. Döllinger, in an elaborate address, vindicated the Church of Utrecht from the charge of Jansenism, and ascribed the breach with Rome to the resistance of the native clergy against the usurpations of Vicars Apostolic.

continual bickerings between the king and the Commons. Baptised a Catholic, but educated a Calvinist; afterwards almost an Arminian, and finally well-nigh a thorough Papist in doctrine, the vicissitudes of his religious policy are perhaps best explained by the admission that he made religion in general subservient to a reputation for kingcraft. Whatever hopes the Catholics had built, at the early part of his reign, on the motives which might have swayed him towards the faith of Rome, were crushed for the time by political events. The discovery of the Gunpowder Plot led to the imposition of an oath upon the Catholics, as a test of civil allegiance,[1] and to the enactment of penal statutes against papal recusants. The murder of Henry IV. by Ravaillac, which gave fresh alarm to the country, caused James to issue a proclamation commanding all Jesuits and Catholic priests to quit the kingdom. As for the Puritans, who relied at first on his having subscribed the League and Covenant, and on expressions of his in Scotland which seemed to favour their cause,[2] they were soon destined to experience the disgust which James had conceived against Presbyterianism. The hollow conference at Hampton Court, convoked ostensibly to secure unity in the Church, served rather to display his hatred of all Nonconformity; and the pliable judges of the Star Chamber readily sanctioned his commitment of those who had presented the Millenary petition for a reformation of the Church.[3] The

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[1] Collier, 'Eccl. Hist.,' vii. 345, edit. 1846. The oath abjured the power of the pope, *inter alia*, to depose the king or dispose of his dominions—a provision directly aimed against the doctrines of Bellarmin and Tortus.

[2] In 1690 James had publicly declared at Edinburgh to the Presbyterians that 'he praised God that he was born in the time of the light of the Gospel, and in such a place as to be king of such a Church—the sincerest (i.e. purest)—Kirk in the world.'

[3] Hallam, 'Constit. Hist.,' i. 298.

Court divines and the High-Church clergy, headed by Bancroft, inculcated the doctrine of the absolute power of the king; and the new bishops imitated the usages and espoused the leading doctrines of Rome. 'Popery,' says the historian of the Puritans, 'came in like an armed man.' The penal laws against Catholics were relaxed in 1622, and Gondomar, the Spanish ambassador, reported to his Court that there had never been greater hopes of England's conversion.[1] The persecution of the Puritans increased with the reaction to Catholicism, and on August 10, 1622, the king formally prohibited the preaching of Calvinist doctrines.[2]

Charles I., 1625–49.

This Romanising movement, which incensed while persecuting the Puritans, reached its climax with the elevation of Laud, in the next reign, to the primacy. The High-Church party had begun with shocking the prejudices of the Puritans by preaching the Divine right of episcopacy, as translated in unbroken succession from the Apostles. They now provoked the jealousy of parliament by abetting the king in his assertion of the Divine right of royalty. It is needless to recapitulate the intolerant usurpations of the hierarchy and the unconstitutional pretensions of the Court; suffice it to remark that they contributed mutually to their common downfall. The triumph of Nonconformity was the natural reaction against the extravagance of High-Church tenets, as the commonwealth was the temporary revolt against the absolutism of the Crown. The interference of Laud in Scotland, which led to open rebellion, remains to be noticed hereafter; the victorious march of the Scots into England served at least to give a breathing-time to the Puritans in the northern kingdom. In the Long Parliament, which met on November 3, 1640, the reforming party gained the upper hand; and when Charles I. proceeded to carry into practice the doctrine of Divine right, which he had derived from his father, Presbyterian discontent was ripe for the civil war that followed. At the Westminster Assembly, convened by parliament in 1643, not only without the authority but in defiance of the king, for the purpose of settling a common form of Church government,[1] it was resolved to extend the Presbyterian polity to England. It was mainly on this demand, coupled with that for the substitution of the Directory for the Anglican liturgy, that the negotiations at Uxbridge collapsed; and the hopelessness of agreement was shown by the rejection of the compromise approved by Usher, in the shape of a modified scheme of synodal in the place of a purely diocesan episcopacy. But although Presbyterianism was thus formally introduced into England, it was never practically established except in Middlesex and Lancashire. Parliament refused to declare it to be of Divine origin, and the doctrine of civil supremacy in Church jurisdiction, formerly represented by the Crown, was still retained in substance by the provision that from all Church courts an appeal should lie in the last resort to parliament.

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[1] Neal's 'Hist. of the Puritans,' i. 503.

[2] *Ibid.* i. 495

Rise of the Independents.

From this period dates the rise of the Independents. United with the Presbyterians in their hatred of episcopacy, they differed from them in their demand for toleration, and joined with the Erastians,[2] under Selden, in rejecting the Divine right of presbyterian government. Their main principle, which gave them their other name of Congregationalists, was the independence and co-ordinacy of each congregation. They held that a Church, in accordance with Scripture, was a body of Christians assembled in one place appropriated for their worship, and that every such body was complete in itself, entitled to draw up its own rules, and to elect its own ministers. They allowed the utility, but denied the binding authority, of synods; they repudiated the institution of lay elders as well as of consistories, of ordination and of excommunication, in all of which they detected relics of hierarchical usages. They had formed, it is true, only a small minority at the Westminster Assembly; but when parliament, where, under Vane and Cromwell, they secured their first triumph in the Self-Denying Ordinance, ratified the resolutions of its divines, the real power had passed into their hands. And yet even after the death of the king and the dissolution of the Long Parliament (Nov. 3, 1654), their principles of sectarian toleration—so different to their radical notions of politics—preserved them from the temptation to dominate in religion, all that they demanded being a controlling authority, to suffer nothing which they esteemed ‘prejudicial to the people of God.’ But the motley and exclusive convention of notabilities known as Barebones’ or the Little Parliament, and convoked ‘to introduce the Christian religion into real practice in the social relations of the people,’ effected nothing but wild and visionary projects of reform, and was summarily dissolved without any practical result.

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[1] Another avowed object was 'to secure agreement with the Church of Scotland, and other Reformed Churches abroad.' See Collier, 'Eccl. Hist.,' viii. p. 248. Some episcopalians, including Archbishop Usher, were invited, but scarcely any appeared.

[2] Erastus, the founder of this denomination, whose doctrines, especially in Scotland, have been strangely misapplied as a term of reproach against Church establishments, was born in Switzerland in 1524, and

practised as a physician in Germany. The cardinal principle of his followers was this, that ecclesiastical offences are best punished, not by the Church, but by the civil magistrate—the opposite doctrine to that of Calvin. See Erastus, ‘De Excommunicatione,’ pp. 350, 379. For the speeches of Selden and Whitlocke in defence of Erastianism, see Whitelocke’s ‘Memorials,’ p. 169. The so-called Erastian principles of Cranmer and the Reformation received their full development in the ‘Ecclesiastical Polity’ of Hooker.

Cromwell's policy of toleration.

Cromwell, who now, as Protector, assumed the guidance of the State, found a terrible medley of parties, both in politics and in the Church, from Catholics and Cavaliers down to the Chiliasts of the 'Fifth Monarchy.' He had crushed the Catholic rebellion in Ireland, and that of the Stuart-Presbyterians in Scotland; he now restored to England that hegemony of Protestant interests which she had enjoyed under Elizabeth. His powerful name protected the Huguenots and Waldenses, and even forced the pope to recommend toleration to the Catholic princes. In urgent terms he pleaded, as, for instance, in his letter to the Senate of Bremen, that 'all denominations of Protestants should be joined together in brotherly unity and concord.' And as abroad he resisted in all quarters the dominion of Rome, so at home likewise he excluded Catholicism alone from his policy of general toleration, because he recognised in that religion a political foe, ever on the watch to reimpose the yoke of civil and spiritual domination, which he had scarcely and with difficulty shaken off. As for the rest, he allowed all Churches and sects to teach what doctrines they pleased. He treated Usher with marked respect. Not until after the Royalist insurrection in 1655 was the permission to hold public service withdrawn from the Anglican Church, and even the episcopalians who took part in the rising were not persecuted. The sufferings of the first Quakers were due to the extravagancies of crazy fanatics among their body, who were punished not as heretics, but as disturbers of the public peace. Even the Jews were allowed to re-settle in the kingdom, after an exclusion of nearly three centuries.

Two principles, and two only, Cromwell inflexibly maintained in reference to religious associations. He would not suffer the public display of hostility against members of a different creed, and quite as little would he tolerate among his own co-religionists any interference in matters of State. Herein he clashed directly with the Presbyterians, who were striving to obtain a theocratic State-system, according to the prototype of Calvin, and who denounced religious toleration, in the language of one of their preachers, as 'the grand work of the Devil, his masterpiece and chief engine to uphold his tottering kingdom.' Against this Cromwell declared, 'In England the clergy have full liberty to preach the Gospel, but not to use abusive speech under the pretext of religion, nor to rebel against the civil power, or degrade it at their pleasure. To proclaim truth is the task of the servants of Jesus Christ. But when the clergy, who look for a glorious reformation, presume to found it by the acquisition of secular power for themselves, then they must know that the Sion promised unto God's people will not be built with such unslacked mortar.' He failed, of course, to draw the right conclusion, that in this case the State also should abstain from interfering in the affairs of the Church. His opinion, on the contrary, was, that 'the magistrate hath his supremacy; he may settle religion according to his conscience.' He wanted to establish a State-Church, though not by compulsion, but by agreement. He laboured unremittingly to regulate the constitution of the spiritual office and its proper relations with the laity. Repeatedly did he appoint commissions of the various Protestant sectaries to bring about a mutual adjustment of their differences. But these attempts at reconciliation shipwrecked, as was inevitable, on the sharp-pointed rocks of their divergent creeds. Meanwhile, to check the inroad of scandalous ministers, through the abuses of patrons of livings, now unrestrained by bishops, he appointed a board of commissioners, called Triers, without whose certificates, which took the place of institution and induction, no one could hold a benefice.

Views of Milton.

More liberal even than the views of Cromwell were those of his secretary, John Milton. He too, indeed, wished to exclude Catholicism from the benefits of general toleration, on the ground of its being idolatrous.[1] It was not to be regarded as a religious party, but as a 'political faction,' which was maintaining its ancient dominion under the mask of religion, but which neither needed nor deserved toleration. With this exception, however, Milton not only desired full liberty for all Protestant confessions, but disputed the right of the State to interfere in questions of religion, on the ground that the civil power could not judge on such matters, the decision of which must be left to the conscience of each individual. Still less could the civil power intermeddle actively therein. The State, which from its nature 'could only hit the effect, not the seat of sin,' was bound to restrict itself to secular matters, which alone belonged to its province.[2] It is erroneous, therefore, he argued, to call a Christian government the guardian of the two tables of the law, for the Ten Commandments are founded upon love towards God and one's neighbour; and in so far as the government has a right to punish, it has had this right long before the time of Moses; but in religious matters all force is contrary to the Gospel. In like manner, the Church was not to usurp to herself any authority in matters of the State, and from this point of view he defended civil marriage as a domestic contract, which is independent of religion, and no more needs a priestly consecration than do any other acts of civil life. As concerning a Church constitution, Milton is an Independent. In his view, all who have the gift of teaching are qualified to do so, besides the regular preachers. Each congregation is independent, elects its own minister, and enforces Church-punishment, which he desires not to be abolished, but to be administered with mildness. He would put an end not only to the class, but also to the constituted office of the priesthood. Unquestionably the expressed opinions of this great man have also their weaknesses. The incorrigible misconduct of the Stuarts had aroused in him a hatred against royalty in general, in which he saw nothing but an organised tyranny. He stands in many ways under the baneful influence of the Calvinistic-Puritanical views of the Old Testament, and with these are intermixed theories of so ideal a character that their applicability to practical life appears more than questionable. He presumed that his own standard of religious liberty would become and continue the general standard of the nation. But with all this how high he towers above his age!

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[1] 'Popery, as being idolatrous, is not to be tolerated either in public or in private.'

[2] 'No Protestant, of what sect soever, following Scripture only and the granted rule of every man's conscience to himself, ought, by the common doctrine of Protestants, to be forced or molested for religion. . . . If Church governors cannot use force in religion, though but for this reason, because they cannot infallibly determine to the conscience without convincement, much less have civil magistrates authority to use force where they can much less judge, unless they mean only to be the civil executioners of those who have no civil right to such commission—no, nor yet ecclesiastical—to any force or violence in religion.' 'On Civil Power in Ecclesiastical Causes.'

These principles of general toleration, of which the Independents claimed to be the earliest champions, were upheld, though in union with very different principles of religion, by churchmen like Chillingworth and Hales, whose comprehensive views of Church unity gained them the epithet of 'Latitudinarians.' Jeremy Taylor's famous 'Liberty of Prophesying,' written in 1647, marked a further advance in this direction. Like Hooker, a zealous advocate for Episcopacy, but unlike him insisting, with the Puritans under Elizabeth, on the absolute necessity of a scriptural basis for Church government,[1] he made the secular governor bound in conscience to allow any form of worship not injurious to the public peace.[2] The Apostles' Creed alone was his qualifying test for toleration; all doctrinal differences beyond the limits imposed by that creed being included in his category of 'speculative opinions,' the truth of which, in the absence of any infallible tribunal, must be decided by private conscience, and which no civil authority, except for reasons of public order, was competent to enforce or to condemn. On these grounds he would tolerate Anabaptists, and, unlike Milton, even Papists, except where the latter maintained the power of the pope to depose sovereigns or to absolve from oaths.

The Restoration, 1660–85.

With the Restoration the Episcopal Church was re-established, and the persecution of the Puritans began anew. The Presbyterians, who had relied on the declarations of Charles from Breda, offering liberty of conscience to all whose opinions did not disturb the public peace, found their hopes disappointed when the Convention parliament repudiated the promises of the king. The Anglican bishops, who resumed their seats in the House of Lords, rejected with scorn all overtures for a compromise; the Solemn League and Covenant was ordered to be burnt by the common hangman. The Corporation

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[1] Hooker in his 'Ecclesiastical Polity' (1594)—a masterpiece of English argumentative eloquence—attacks in his second book the Puritan doctrine, that whatever is not expressly commanded in Scripture is unlawful. But, while asserting that no certain form of Church government is laid down in Scripture, he contends for Episcopacy as an Apostolic institution.

[2] 'Except,' as he says, 'where either the teachers of an opinion themselves, or their doctrines, do really, and without colour or feigned pretext, disturb the public peace.' (Works ed. Heber, viii. 145.) He proceeds to impose strict safeguards against the abuse of this plea of interference.

Act of 1661 required all magistrates and persons bearing offices of trust in corporations to abjure as unlawful all resistance to the royal authority, and to receive the Eucharist in future according to the rites of the Church of England.[1] This statute—a questionable invasion of civil rights—was aimed immediately against the Nonconformists, whose chief strength lay in the smaller towns. In 1673 the Test Act extended this regulation to all persons holding any temporal office of trust, civil or military. Though directed, as the preamble declared, against the Papists, who were required to subscribe a declaration against transubstantiation, its clauses were scarcely less severe against Dissenters.[2] Charles himself would willingly have tolerated the Catholics, but his want of money for the war against the Dutch, added to his natural irresolution, forced him to succumb to Clarendon and the parliament, who regarded the legal recognition of any but the Established Church as inconsistent with public order. An Act in 1664 against seditious conventicles prohibited, under pain of imprisonment, the holding of any meetings in a manner not authorised by the Anglican Church; and in the next year the Five Mile Act imposed a fresh oath of allegiance on Nonconformists, and forbade all recusants to teach in schools or come within five miles of any corporate town.

James II., 1685-88.

These severities against Dissenters increased under James II., whose avowed design was to restore the supremacy of Rome. In open violation of the law which had abolished the Court of High Commission, established by Elizabeth,[3] he erected a tribunal called the Court of

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[1] 13 Car. II. sec. 2, cap. 1.

[2] 25 Car. II. sec 2. This Act was not repealed until the reign of George IV.

[3] The statute of the Long Parliament swept away all ecclesiastical jurisdictions. They were revived at the Restoration, with the exception of the obnoxious Court of High Commission.

Commissioners for Ecclesiastical Causes, which, under the presidency of the infamous Jeffreys, exercised summary and arbitrary jurisdiction over all the clergy. By a similar assumption of sovereign power he published, it is true, after all his efforts to conciliate the Anglican clergy had failed, the Declaration of Indulgence, granting liberty of conscience to all his subjects, provided they taught nothing tending to alienate the people from his government; and abolishing not only the penal laws against Catholics and Dissenters, but the religious tests and declarations imposed on public officers. But no one trusted him. Apart from his violations of the Constitution, by arbitrarily annulling Acts of Parliament, the Nonconformists, with all the advantages they had gained from his Declaration of Indulgence, knew very well that he was in the hands of the Jesuits, and that he merely promised toleration as the sole means for restoring Catholic ascendency. Even before that Declaration he had taken every opportunity to promote Catholics to public offices; and it was now clear that they would monopolise such posts. The large majority of Dissenters, therefore, refused to join with William Penn in anticipating a golden age of toleration from the Declaration; but saw in his specious promises only a trap set by the Jesuits, and continued loyal to the constitutional cause, as to the sole legal means to secure religious liberty.

Declaration of Indulgence, 1687.

The result showed the wisdom of their policy. The accession of William of Orange gave liberty of conscience to the Nonconformists by solemn statute. The king, indeed, was willing to go still further, and, while throwing open civil offices to all Protestants without distinction, to effect, at the same time, such reforms in the Anglican Church as would enable the moderate Nonconformists to join her communion. But he came, as Macaulay rightly observes, too late for the latter and too early for the

Toleration under William III.

former. The large majority of the nation clung to the Church of England, just as she was; and were willing to grant to Nonconformists freedom of conscience and security of worship, but not an equality of position. The Toleration Act[1] authorised the public worship and self-government of the Nonconformists, and exempted them, in subscribing the Thirty-Nine Articles, from assenting to those which specially impugned their form of faith. The oath of civil allegiance was modified, but the Corporation and Test Acts remained in force. The Socinians, as deniers of the Trinity, together with the Papists, were excluded from the Act of Toleration; and a subsequent Act, passed in 1699, declared the latter incapable of acquiring any landed property, either by purchase or inheritance, and adjudged any priest, convicted of saying mass or exercising any part of his office within the realm, to imprisonment for life. All these laws, in however tolerant a spirit they were executed, may seem nevertheless extremely bigoted. But we are bound to consider the circumstances of the time, which was not yet ripe for the reception of the truism that civil disabilities must never follow on religious error. And as to the suppression of popery, it is easy to understand that a Protestant country should strive, as England did, to secure itself against a cosmopolitan power, which regarded all independence as usurpation, and should proceed with severity against a religious faction, ever ready to conspire with pretenders and foreign potentates for the extirpation of Protestantism. Only by such a policy in those times has England been able, in the nineteenth century, to give full liberty to Catholics—a liberty which, if granted two centuries ago, under the name and plea of abstract toleration, would have led to the triumph of intolerance and the Inquisition.

Enactments against Papists.

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[1] 1 Will. and Mary, c. 18, A.D. 1689.

The struggles of Church and State in Scotland during this century demand a brief retrospect.

Church and State in Scotland.

With the accession of James VI. of Scotland to the throne of England the century opened darkly for Scotch Presbyterianism. His first efforts were directed to upset the settlement of 1592, and for nearly thirty years episcopacy, under Spottiswoode, had its way in the northern portion of the kingdom. The bishops, introduced at first into parliament simply as commissioners from the Church, gradually assumed the full attributes of spiritual power. In vain did Melville and his followers protest against the usurpations of the Crown: the pliant Assembly of 1610 responded to the royal will, and eight years later an attempt was made, in the 'Five Articles of Perth,' to introduce further innovations in respect of worship and ceremonial. But the storm came at last, precipitated by the insane bigotry of Charles I. and Laud; and an outbreak of popular fury brought matters to a crisis. The nation revolted against the liturgy sought to be imposed upon them, not indeed from any aversion to a liturgical form of worship, but from abhorrence to one which seemed to savour of popish abominations. From the Glasgow Assembly of 1638 dates what Presbyterian Church historians have called the 'Second Reformation' of Scotland, and from that time to 1660 the Church enjoyed an interval of sunshine and independence, which she amply turned to account by fortifying her authority and consolidating her power. The Covenant, renewed a few years before, was ratified by the parliament and made binding on the whole nation. The bishops were deposed, and in some cases excommunicated. The obnoxious Service-book of Laud, the book of Canons, and the book of ordinations were condemned, and the Court of High Commission was disallowed, as 'prejudicial to the liberties of Christ's Kirk and kingdom.'[1] Finally, the 'Confession' of Knox was superseded by the Westminster Confession. The Church had now reached 'the *ideal* of her relations with the State.'[2]

State supremacy and persecution, 1660–1688.

But this bright period of Church independence was followed, as it had been preceded, by one of tribulation. Cromwell, who enforced the general toleration that had been established in England, found it necessary, or expedient, to silence the growing pretensions of the Scottish Kirk, which were the consequence of her days of prosperity. But his measures of repression were mild in comparison with the tyranny of the Restoration. From then till the Revolution came twenty-eight years of bloody but useless persecution on the one side, and sullen but obstinate resistance on the other. It was a period of the civil despotism of Lauderdale and Dalziel, of the episcopal tyranny of Sharp, of the brigandage of Claverhouse and his dragoons, of the desperate struggles of the Covenanters. The Covenant was burned; the General Assemblies were closed: nearly four hundred ministers were ejected from their livings. The Rescissory Act of 1662 restored the royal supremacy over the Church, and swept away at one blow all the legislation in her favour since 1638.

The Revolution settlement.

With the Revolution, however, all was changed, and the Church entered on those relations with the State which, with the exception of Queen Anne's Act abolishing patronage, were maintained until the disruption of

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[1] The practice of the General Assembly corresponded with its lofty claims to power; and a rigorous system of discipline was enacted, worthy of Calvin's spiritual aristocracy at Geneva. A watchful eye was kept on the practice of private devotion, and persons absenting themselves from public worship were liable to the censure of the session. See Baillie's 'Acts of the General Assemblies from 1638 to 1649,' ed. 1682, pp. 1–71.

[2] Buchanan, 'Ten Years' Conflict,' i. 122.

1843. A series of enactments undid the work of the Restoration. Episcopacy was abolished; the Nonconformist ministers were reinstated; the Act asserting the royal supremacy in matters spiritual was repealed, as 'inconsistent with the establishment of the Church government now desired.' The Westminster Confession was ratified by law, and the settlement of 1592 was restored. The Church had finally gained what she had struggled for ever since 1560—namely, her independence in spiritual matters, and the right of her members to elect their ministers.

Schism between Arminians and Gomarists.

In the Netherlands the controversy between the Arminians and Gomarists led, early in the seventeenth century, to violent commotions. To disputes of dogma were added those concerning the rights of the Church with reference to the authority of the civil government in ecclesiastical affairs. The Arminians, with their leanings to the doctrines of Zwingli, maintained the right of the State to conduct the government of the Church, in conformity with the model of Scripture, and urged that, by the independence claimed by spiritual authority in the Reformed Church, a new popedom was being set up. The Gomarists, on the other hand, strictly adhering to the principles of Calvin, demanded the complete autonomy of the Church. This schism spread to the political world. The heads of the municipal oligarchy sided with the Arminians. The leaders of the popular party, under Maurice the stadtholder, declared against their rivals for the Gomarists. At the national Synod of Dort, which commenced its sittings in 1618, the victory rested with the latter in regard both to doctrine and Church authority. The Arminian clergy were deposed; Grotius was thrown into prison; Oldenbarneveldt was beheaded, 'because he had sorely vexed the Church by asserting that each province had a right to manage its own eccle-

Synod of Dort, 1618–19.

siastical matters.[1] Nevertheless, the Gomarists were unable to carry their principles to any practical conclusion. The ecclesiastical constitution decreed by the synod was not ratified by the States-General, and was only introduced with certain modifications into Utrecht and Guelderland. Henceforth there were only seven ecclesiastical provinces, with a larger or smaller share of State influence. The provincial synods could only be held with the consent of the provincial States, and with the assistance of their deputies. No organic bond of union existed between them; they communicated with each other only through delegates. For the rest, the presbyterian and, with the exception of Zealand, also the synodal constitution universally prevailed. The large number of French, English, and German refugees who found a home in the Netherlands furthered the idea of toleration. When, in 1646, the governor of New Amsterdam prohibited the preaching of any doctrine at variance with the decrees of the synod, the Dutch government ordered him to allow freedom of conscience so long as the persons in question conducted themselves peacefully. This was the principle, it was said, that had driven the oppressed and exiled of all countries to seek a refuge in the United Provinces; and it was one that had proved an unmixed blessing to the country.

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[1] M. Groen van Prinsterer has proved in his book, 'Maurice and Barneveldt,' Utrecht, 1875, that Mr. Motley's judgment of Maurice in this deplorable affair, as given in his 'Life and Death of Barneveldt,' is far too harsh. Predestination, whatever we may think of it, was the soul at that time of the Reformed creed. The Arminians, who denied it, and inclined to rationalistic views, were considered therefore as lukewarm in the faith, and sought the protection of the aristocratical party, to which Maurice was opposed. The stadtholder is certainly to blame for not having prevented Oldenbarneveldt's execution, but Mr. Motley has failed to prove that he was insincere in his religious convictions, and still more that his conduct was a premeditated act of hostility, in order to become supreme master of the State.

The Church in the North American colonies.

Rhode Island.

In the North American colonies the experiment was first made of going beyond the idea of simple toleration. The Puritans, it is true, as in Massachusetts and New Haven, partly from adherence to old traditions of exclusiveness, partly from fear of hierarchical interference from the mother-country, showed themselves quite as intolerant as the Presbyterians in Scotland. Catholics, Quakers, and Baptists were treated with extreme harshness, and political rights were restricted to the members of the dominant Church. The terms of admission to that Church were dictated by the community, and only those were admitted who had testified their spiritual regeneration by subscribing to a definite formula of faith. The ultimate effect of these regulations was to exclude two-thirds of the citizens from political rights. The civil relations of the Churches in the various colonies differed with the circumstances of their foundation. In Georgia, New York, New Jersey, Delaware, and Pennsylvania there was no established Church, all forms of Christian faith being tolerated except the Catholic; while in Pennsylvania not even this exemption was made. In Virginia and in North and South Carolina the Anglican Church was the State Church, as in the mother-country. The same was the case at a later period in Maryland; but when that colony was founded by the Catholic, Lord Baltimore in 1632, James I. insisted on the admission of all forms of Christianity. In Rhode Island Roger Williams, in 1638, founded the first community which recognised that no civil authority had a right to interfere in matters of religion. The unceasing hostility of the Puritans, against which he had to contend, served to recommend his cause at the restoration of the Stuarts; and Charles II., by his charter of 1662, constituted the settlements of Rhode Island and Providence an independent colony, whose inhabitants were permitted, 'in case they conducted themselves quietly and peacefully, freely and fully at all times to have and enjoy their own judgment and conscience in religious matters.' No one, who did not disturb the public peace, was in any way to be molested, punished, disquieted, or called to account for his opinions on religion. In all civil matters the decision lay with the majority. This charter has formed for two centuries the basis of the constitution of Rhode Island.

Protestant illiberality in Germany.

How far distant was Germany at that period from such enlightened ideas! With inflexible obstinacy they still insisted in that country upon the letter of the Peace of Westphalia. Nor did they always respect even this, as is proved by the oppression of the Protestants in Silesia, by their expulsion from Salzburg, and by the religious clause appended at the instance of the French minister to Art. IV. of the Treaty of Ryswick, which openly violated the settlement of the 'definitive year' by enacting that the Roman Catholic religion should continue in the territories restored by France.[1] Lutherans and Calvinists still confronted each other with unbending hostility. The Lutherans at Bremen, in the Palatinate, and in Cassel, where they were forbidden the rites of baptism and marriage, remained quite as devoid of civil rights as the Reformed in the Lutheran territories. In 1660 the pastor Kolkwitz, in Lower Lusatia, was suspended from his office because, while using the Lutheran catechism with the Lutheran section of his flock, he employed the Heidelberg catechism for the Reformed.

Tolerating policy of the Great Elector, 1688.

Prussia alone showed any signs of progress. There, Frederick William, the Great Elector, as he was called, explicitly confirmed in 1653 the Declaration of Sigismund, which provided that 'every subject, who so desired, might continue in the teaching of Luther and of the unrevised Augsburg Confession, and retain unmolested the use of the Symbolical Books.' Accordingly, as the Reformed multiplied at Berlin under the influence of the Court and the favour of the minister Otto von Schwerin, while the Lutherans, on the other hand, revived their invectives from the pulpit, the elector proceeded to issue an edict of mutual toleration. He had no intention, he declared, of depriving either party of the liberty to refute by fair argument religious opinions contrary to their own; but he forbade, to the pastors of each confession alike, all mutual slander and defamation on pain of dismissal from office, and enjoined all candidates for holy orders to bind themselves to renounce such practices in future. He closed against all his subjects the doors of the University of Wittenberg, the stronghold of Lutheran revilement against the Reformed. He forbade the imputation of doctrines to the Calvinists which were not contained in the Confession of Sigismund. At the examination of candidates for spiritual office due care was to be taken that they were 'well versed in the Word of God, as a living power against all wickedness; and strong therein, so as to instruct the ignorant, to point out the right path to the erring, to comfort the afflicted, to assist troubled consciences, to encourage the careless, but punish the wicked, and thus to build up fitly the Kingdom of God; but in no way to entangle themselves in subtle questions of debates and scholastic niceties.' Finally, he renewed a former regulation, that the pastors, if the parents so desired, should administer the rite of baptism without the ceremony of exorcising, and that the Formula of Concord should be omitted from the Symbolical Books. This last injunction contradicted, undoubtedly, the promise given in 1653, which had assured the preservation of those books in their integrity; and it led to the unjust deposition of several pastors, including Paul Gerhard, after Luther the most distinguished writer of hymns, who refused to obey its provisions. The elector accordingly, at the intercession of the Estates, consented to modify so far the demand, in respect of the Declaration of Sigismund, as to limit its application to future candidates for orders instead of extending it to ecclesiastics already ordained, most of whom were still pledged to the Formula of Concord as it stood.

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[1] Pütter's 'Historical Development,' ii. 322.

Bigoted resistance of Lutheran divines.

This edict excited serious disturbance, not only in Brandenburg itself, but throughout the whole of Protestant Germany. It evoked also a series of 'Opinions' from theological faculties and ecclesiastical bodies, almost all of which declared that the clergy of Brandenburg could not possibly submit to these ordinances. The Leipzig divines maintained that 'the duty of chastising error must not remain unfulfilled; that if the Reformed in the Mark did not share the errors of their untoward brothers in belief, they would not have to draw upon themselves their refutation.' The Hamburg doctors were of opinion that, 'although the Reformed in the Mark chose to tolerate the austere doctrines of Calvin and Beza, yet Lutherans dared not permit such toleration. The Augsburg Confession, to which Lutherans had sworn, declared, not that those who taught otherwise should be tolerated, but that they should be rejected.' Those at Wittenberg even maintained that 'the Reformed were in duty bound to tolerate the Lutherans without condemnation, because they could not charge them with any fundamental error; but that the same forbearance could not be expected from the Lutherans.' Those at Nuremberg, who advised compliance with the edict, were reproached by their brethren at Wittenberg with having betrayed the Lutheran Church —their 'Opinion' being stigmatised as a 'downright wolfish artifice to disguise the sinful Philippism, from which might Christ preserve His faithful at Nuremberg.' But Frederick William cared nothing for all this paper warfare. He adhered with firmness to his ordinances, while forbidding the Reformed University of Frankfort, which maintained in all its harshness the Calvinist doctrine of election by grace, 'to dig up, as it were, the long-buried "Opinions," in order thereby to harass their opponents.'

No candid critic will be able to deny that throughout these complications, with the exception of the question relating to the Formula of Concord, the elector was in the right. The Lutheran Church, which not only left him to maintain single-handed the defence of toleration, but actually resisted him in the contest, lost by so doing a large portion of her influence. His policy of toleration was eminently impartial. As he received with open arms the Calvinist refugees from France, so to his Catholic subjects in Juliers and Cleves he tempered his sovereignty not only with justice, but mildness. It was only his righteous indignation at the revocation of the Edict of Nantes that caused him to issue a rescript to the Imperial Chamber against the furtive introduction of Catholics, 'who, with no small vexatiousness, practise their popish religion, and venture even to seduce others to their errors.'

CHAPTER XV.

THE AGE OF ENLIGHTENMENT.

Doctrines of State Supremacy—Grotius—Hobbes—Spinoza—Locke—GERMANY. Religious Revival under Spener—Territorial System of Thomasius and Böhmer—State Organisation of the Church in Prussia—*Collegial* System of Church and State—Secession of Frederick Augustus of Saxony to Catholicism—Frederick the Great—Political Decline of the Papacy——FRANCE. Growth of Rationalism—Persecution of French Protestants—Corruption of the Higher Clergy—Montesquieu—Voltaire—Rousseau—Clement XIV. abolishes the Order of the Jesuits—Progress of Enlightenment in Germany—Episcopal Theory of Febronius—The Coblentz Articles—Punctations of Ems—Assertion of State Sovereignty in Bavaria—In Austria under Maria Theresa—Absolutist Policy of Joseph II.—His Church Reforms—His Toleration Edict in Belgium—Causes of his Failure—Religious Liberty in America.

CHAP. XV.

TOWARDS the close of the seventeenth century the influence of the theological Church principle, which in external matters had already in the Thirty Years' War been compelled to yield to considerations of politics, began to manifest symptoms also of internal decline. Theory had now prepared the way for practice, and principles long contested were now ripe for application. It was only a natural reaction that, in face of the religious wars which threatened to split the countries of Europe into hostile factions, the unity and supremacy of the State, even in matters of doctrine, should find energetic defenders. In England this principle, as has been noticed, governed the Reformation under Henry VIII., and the so-called Erastianism of Cranmer was elaborated afterwards in the famous 'Ecclesiastical Polity' of Hooker. In France, under Henry IV., the jurist Jean Bodin had insisted on the absolute power of civil sovereignty within

Doctrines of State supremacy in religion.

limits bounded only by private rights; the latter, however, including freedom of conscience and religious belief. In Holland the cause of civil authority in religion was upheld by Hugo Grotius, who, in his 'Pietas Ordinum Hollandiæ,' which appeared in 1613, maintained the right of the magistrate to suppress controversies injurious to the public peace; and in a later work,[1] written on pure Anglican principles of royal supremacy, denied to the Church any but a persuasive authority. His famous work 'De Jure Belli et Pacis' was published at Paris in 1625, and marks the first systematic attempt to apply to public law those principles of the right of individual conscience which Luther had been the first to apply to religion. On the hypothesis—clumsily enough defended—of a 'social instinct' (οἰκείωσις) in man, as distinguished from brutes, he based his method of natural law. This *jus naturæ*, he argued, independently of and antecedent to the positive laws of every nation, as well as morality and politics, is implanted in and proceeds naturally from man—*ex principiis homini internis*—and from this source he derives the origin of the State as a society founded on mutual compact. Repudiating the principle of utility, he sets up human nature as the mother of natural laws, and obligation by compact as the mother of civil laws. But his lasting title to fame was earned by his foundation of international law. Extending his purview beyond the limits of a single State, he demonstrated, in opposition to those Machiavellian doctrines which had spread after the dissolution of the mediæval fabric of society, that the mutual relations of various countries, as of individuals, rest upon a firm substructure of public law.

Hugo Grotius, 1583–1645.

Hobbes, like Grotius, started from a primordial law of nature; but he based that law, not on an assumed

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[1] 'De Imperio Summarum Potestatum circa Sacra.' Paris, 1646. See Hallam's 'Lit. of Europe,' vol. ii. p. 341, edit. 1873.

Thomas Hobbes, 1588–1679.

'social instinct,' but on selfishness, as the pith and kernel of human nature. None, therefore, but a supreme power, he argued, can protect the public peace against the egotism of the individual. This supreme power is the government against which no independent right exists. The government originates, it is true, from the people; but when once the covenant between the rulers and the subjects is completed, the supremacy of the former follows, as of Divine right, and the duty of the latter is limited to unconditional obedience. The people use their sovereignty once only, to abdicate it; after that, their rights are merged in the person of the government, the fittest form of which he considers to be a monarchy. A power, thus absolute and omnipotent, naturally does not tolerate any independent corporations in the State, least of all a corporation so peculiar as the Church. The State, rather, is the Church, so far as its subjects are Christians; and as the sovereignty is indivisible, its possessor alone can determine of what kind the religion of the Church is to be. Hobbes thus defends the despotism of the State, to an extent and in a manner such as, perhaps, scarcely ever found similar advocates either before or after him.

Benedict Spinoza, 1632–1677.

Spinoza based his doctrine of civil authority on different principles. He desired no despotic form of government like the monarchy of Hobbes, but a commonwealth, resting on the voluntary agreement of the citizens, and for this reason he declares a democracy to be the most preferable form of government. He demands freedom of religion and learning, because no man can surrender his faculty of reason. But inasmuch as he recognises no law but the positive laws of a constituted government, this individual liberty of thought by no means implies the liberty of its exercise in religious worship. The latter, on the contrary, depends solely upon the judgment of the civil power, which takes the best course by not supporting any privileged Church, but leaving to each religious community the care of its particular form of worship, so far as that community respects the laws of the State.

John Locke, 1632–1704.

Locke went further in the direction of toleration. While basing civil government on a supposed antecedent 'social compact,' he started with the principle that its duty did not consist in examining the truth of the opinions held by its subjects, but simply in looking after their welfare. He demanded, therefore, absolute liberty in religion, with this condition only, that no form of religious belief should be employed as a pretext for teaching doctrines contrary to morals and the safety of the State. For this reason he would admit heathens, but not Catholics or atheists.

Religious movement in Germany.

In Germany, likewise, there were signs of fresh vigour and vitality, both within and without the Church. The worthy Saxon chancellor, Veit von Seckendorf, endeavoured, in his 'Christian State,' published in 1685, to assign its proper limits to the episcopal authority, hitherto predominantly exercised by the civil power. The government, he declared, had no right to constitute itself ruler over the faith, 'because Christ and the Apostles had not converted the world by force.' Later on the cold and lifeless torpor of orthodoxy was opposed by the warm-hearted pietism of Spener and the practical piety of his follower Francke. Spener began by instituting private prayer-meetings (*collegia pietatis*), and in his treatise 'Pia Desideria,' written to explain his system, he resisted the exclusive pretensions of the professional teachers of the Church, by upholding the principle of a universal priesthood. Starting with the proposition that the ecclesiastical office was instituted merely for the sake of order, he

Philip James Spener, 1635–1705.

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[1] Locke's connection with Hooker is examined by Hallam in his 'Constit. Hist.,' vol. i. pp. 292–302.

advocated the rights of the community, beside those of the civil government and the clergy, so that 'in all things which concern the life of the Church, all three classes or powers have their proper work and co-operate mutually with each other.' He failed, indeed, to carry out his desire for a constitution of the Church on the model of that adopted by the Reformed in France; but his activity did much to damage and discredit the cause of mere formalism in religious belief.

Philosophy of toleration.

Still greater effect throughout Germany, after these efforts at formalism had subsided, was produced by the philosophy of natural law, which, discarding all Church traditions, and embracing the precedents laid down by non-German writers, maintained above all the principle of universal toleration. The most influential representative of this movement was Christian Thomasius, a jurist first at Leipzig, and afterwards at Halle. He was the first to demonstrate logically the distinction between morals and law, by showing that while legal commands, as instruments of peace and order, are enforceable, moral precepts, on the contrary, which have reference to the internal order of mankind, can never be enforced. From this premiss he inferred that as regards the government, on the one hand, no external authority has any right to meddle with matters of religion and private conscience; while, as regards the Church on the other hand, she can never claim an independent constitution, being simply a 'society consisting of teachers and listeners.'[1]

Christian Thomasius.

This theory of Thomasius gave the first impulse to the so-called 'territorial system,' which afterwards found its special development in the writings of John Frederick Böhmer. The principles of this system, briefly summarised,

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[1] 'Kurze Lehrsätze vom Recht eines Christlichen Fürsten in Religionssachen.' 1724. No. 46.

Territorial system of Böhmer.

are these. The object of all law is the maintenance of external order, the government being the organised institution for that purpose. The internal benefits of religion and morality are a matter of conscience for the individual, in which the government must not interfere, but which, on the other hand, have no legal sanction or authority. The government alone can make binding laws: no Church creed, as such, can constitute a public rule of faith. The Church, viewed collectively, presents no standard of life applicable equally to all: the idea of a Church is simply that of individual societies, which unite for the purposes of common worship. Accordingly there exists no more any special ecclesiastical office than an independent Church government and constitution. The totality of power is centred in the civil sovereign, no matter what his religion, even, therefore, should he be a heathen or a Jew. His duties are to maintain external peace in matters of religion; to enforce toleration, as the cardinal prerogative of royalty; and to decide on controversies of doctrine, so far as may be necessary for public order. The ecclesiastical, as part of the civil polity, is not wedded, therefore, to any definite form or constitution, like the consistories of jurists and theologians; but is liable, like all other civil institutions, to be regulated by the sovereign as he thinks best. This theory, thus sketched in outline, which drew from the internal character of religion the false inference that a religious society in itself does not require an external organisation, was tantamount really to a repudiation of any Church or Church authority, and only evaded this consequence by declaring that the external regulation of the Church, as it then existed, was a matter of indifference, for which every subject was responsible to his government. But the practical importance of this 'territorial system' lay in its opposition to the clergy—

as a separate class. Therein it concurred with the tendency of the times, which was to allow the civil power to interfere more and more decisively in matters of Church government; and hence the system was favoured by the Prussian kings quite as much as Pietism. That such an exercise of civil rights agreed little in principle with the desirable independence of the Church must certainly be admitted; but it was just as necessary as the suppression of the government of the old Estates, since the Protestant Church, at that time, was incapable of any self-regeneration from within. The Great Elector of Brandenburg had already attempted the work of regeneration, by regulating the external relations of the Church, and enforcing peace between the rival confessions. The property of the Church, which had fallen into utter disorder during the Thirty Years' War, was resettled; discipline was re-established; the jurisdiction of consistories was definitely marked out; examinations were prescribed in theology; compulsory private confession and exorcism were finally abolished. Frederick I. founded the University at Halle, whose theological faculty, though Lutheran, recognised in their statutes a milder conception of that doctrine. Every theologian was obliged to study there for two years. By an edict of 1709 he swept away the abuses of patronage by the nobility, who promoted persons totally unfit to the office of pastor. No candidate was to be admitted to the probation sermon, unless he had previously satisfied his examiners. The negotiations of the king for a union of the Lutheran and Reformed confessions, and for the introduction of the English form of episcopacy, led to no result; and Frederick William I. dismissed those projects at once as unpractical, while he continued, with even more zeal, the moral reformation of the Church. His sober but truly pious nature saw in the controversy between Lutheran and Reformed a mere

State organisation of the Church in Prussia.

Reforms of Frederick I., 1701–1713,

and Frederick William I., 1713–40.

Reconstitution of Lutheran Church,

quarrel of priests; and immediately after his accession he issued a decree, in 1714, enjoining his subjects 'to follow strictly the edicts previously published, in order to preserve unity between the two Evangelical and kindred religions.' He rearranged the system of theological examinations, and placed it under the minister of State, who was charged with the direction of Church administration. Numerous new churches were built; funds were appointed for the support of widows; the visitations of the Church were regulated and her discipline firmly maintained. Conduct-lists were introduced concerning the lives of the pastors, who in cases of scandal had to expect not merely a reprimand, but suspension, removal, and cassation. In this manner a vigorous and active ministry was created, to whom also important duties were assigned in connection with the system of national education. In 1750 the crowning-stone was placed on the edifice of the Lutheran Church by the appointment of a supreme Consistory, or, more strictly speaking, by entrusting the consistory of the electoral Mark with the superintendence of all the other consistories in the province, and transferring to it the control over the examination of theological candidates, and over the doctrines and conduct of the clergy; the government of schools; the nomination of professors of theology; and the due administration of charitable foundations.[1]

and of Reformed Church.

The Reformed Church in Prussia now received also her constitution. The Huguenots had brought with them from France their *Confession de Foy* and *Discipline Ecclésiastique*, based on complete separation from the State. They found in Prussia not a persecuting, but a protecting, government, which deemed it proper, however, to extend to them, as to the Lutherans, the episcopal authority of the Crown, and delegated the conduct of Church government to a 'Commission Ecclésiastique,' consisting of a minister of State, a German member of the Consistorial Council (*Consistorialrath*), and two senior French ecclesiastics at Berlin. This commission took the place of the synods, so that of the constitution peculiar to the Church of the Huguenots only the communal system of government remained unchanged. The Church of the Prussian Calvinists was placed, in like manner, under a special council of direction, a synodal element being introduced, though but partially developed, in the *Classical-Ordnungen*, or assemblies of pastors of a circle of inspection, as well as in the provincial synods, which were to meet triennially.

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[1] Ranke's 'Memoirs of the House of Brandenburg.' Gordon's transl. Vol. iii. p. 413.

'Collegial system' of Church and State.

But while the various branches of the Evangelical Church in Prussia were thus separately reorganised by the territorial sovereign, who distributed to each their rights, they fell into internal decay through the constant inroads of rationalism, and through that general apathy and indifference to the faith which had first appeared as a revulsion against the previous quarrels of the rival confessions, and which found its expression, so far as Church rights were concerned, in the so-called 'collegial system.' This system, like the 'territorial' one, already mentioned, recognised no objective necessity for a Church constitution, but defined a Church as an association for religious purposes, resting purely on voluntary contract. Over such a Church the State possesses merely the right of supervision—namely, the *jus circa sacra*—a right which it exercises over all associations alike. The *jus in sacra* belongs to that society which is able to arrange its interior constitution according to the terms of agreement stipulated by its members. The fundamental principle of this theory is virtually a disavowal of the Church herself, just as Rousseau's 'contrat social' is the disavowal of the State. The will of the majority of the association, formally expressed, is decisive. It is able *ex mero motu* either to dissolve the religious society, or to maintain the same with all its defects derived from history and tradition. It can establish either a spiritual democracy or a spiritual absolutism. Such an absolutism was indeed created, though, in order to square theories with facts, it was pretended that, during the time of the Reformation, the supremacy strictly vested in the Church had been conferred by the Church upon the sovereign.[1] A system so purely negative could not fail to remain just as sterile for the development of any relations between Church and State as Rationalism had been for the internal life of the Church. The scurrility of rival zealots had ceased, but the torpor of indifference had been substituted in its place. The services were cold and lifeless. The sermons sank for the most part to the level of commonplace and insipid lectures on morals. The Church hymns were stripped of their best essence. In short, all positive Christian worth and virtues in the religious life of the Church threatened to evaporate altogether.

Secession of Augustus II. of Saxony to Catholicism.

In Saxony the long ascendency of a rigid form of Lutheranism came to an end when the elector Frederick Augustus II. went over, in 1697, to Catholicism, in order to gain the crown of Poland—an offer which had twice been refused by the Great Elector on the terms of surrendering his faith.[2] It is true that, according to the provisions of the Peace of Westphalia, this change of religion could not directly affect his subjects. On the contrary, the elector of Saxony, just like Anton Ulrich, duke of Brunswick, who had seceded to Rome in 1710, was obliged to declare explicitly that all the rights and privileges enjoyed by the members of the Augsburg Confession should continue inviolate within his territory. All ecclesiastical matters were dealt with, as before, by an independent college of the Privy Council; the oath taken on the symbolical books still remained a condition of all civil office; and neither Calvinists nor Catholics could acquire civil rights or landed property. But dynastic interests soon made their influence felt in favour of toleration. The Reformed who, after their persecution in France, had settled in Saxony as elsewhere in Germany, were allowed in 1704 to conduct private worship in Dresden and Leipzig; and Catholic communities were formed in various places, although neither of these confessions succeeded in obtaining equal rights with the Lutherans until 1806. Although electoral Saxony still retained the *Directorium* of the Protestant body (*Corpus Evangelicorum*) at the Diet, this fact is explained by the unimportance of the assembly at Ratisbon, and by the ever-lessening influence of ecclesiastical questions upon the general relations of power.

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[1] The chancellor Pfaff of Tübingen elaborated the system of contract whilst preserving the three orders in the Church.

[2] Once in 1661, and again in 1668, when he urged among other objections to accepting the proffered throne, 'Meine Religion, darin ich meiner Seligkeit versichert bin, um einer Krone willen zu lassen, solches werde ich in Ewigkeit nicht thun' ('As to changing my religion, whereby I am assured of salvation, for the sake of a crown, that I will never do—no, never').

Protestant leadership assumed by kingdom of Prussia.

But the real leadership of Protestant interests in Germany had been assumed by Brandenburg since the reign of the Great Elector; and this priority of position devolved the more directly on his successors, as the growing power of Prussia became formally ratified by her establishment as a kingdom, and by the acquisition of the royal crown by the House of Brandenburg in 1701, only four years after the secession of the elector of Saxony to Catholicism. It was in vain that Pope

Clement XI., in his Allocution of April 29, complained in bitter terms that the emperor Leopold I. had given his consent to an act so injurious to the Church, and had not reflected that the duty of appointing kings belonged solely to the Holy See. The dynastic policy of the eighteenth century troubled itself little about protests of that kind; and the Court of Rome was equally powerless, later on, to prevent Frederick the Great, after his acquisition of Silesia and the first partition of Poland, from exercising episcopal authority over the Catholic Church in both of those countries. Frederick II. promised, indeed, to maintain the *status quo*, with full liberty of conscience to the Protestants; and he assured to the Catholic clergy full freedom to exercise unhindered their office and jurisdiction 'according to the principles of their religion,' adding, however, the restriction, 'without prejudice to our rights of sovereignty, and so far as the Canon Law can be applied in countries subject to Protestant rule.' But he insisted on maintaining the rights of territorial sovereignty in spiritual matters, as, for example, in the appointment to high offices in the Church. He appointed in fact the bishop of Breslau, whom the pope found himself compelled to institute, though by a *motu proprio*, which Frederick ignored. The Courts of Europe chose their allies simply as secular and political interests dictated. As France, in former times, had joined with Sweden to resist the threatened ascendency of the House of Hapsburg, so England and Prussia now fought together on the side of Austria to repel within its proper limits the power of Louis XIV. In vain did Rome endeavour to give a religious character to the Seven Years' War. The consecrated sword sent to Daun by the pope proved impotent against the genius of Frederick. The voice of England and Prussia was decisive in the cabinets of Europe. Schismatic Russia

Frederick the Great, 1742–1786.

raised herself into a first-rate power, while the *prestige* and influence of France were on the wane, and Spain and Poland were rapidly sinking into decay.

Political decline of the Papacy.

During the development of this state of things the Roman See lost all political importance, and fell into a policy of weakness and vacillation, which tended, as was inevitable, to shake altogether the foundations of its authority. The great powers refrained, it is true, from touching the States of the Church, but they disposed freely, and in accordance solely with their own interests, of the rest of Italy, as of an inheritance without an owner or a master. Provinces like Naples and Sicily, Parma and Piacenza, which the Curia had always regarded as its fiefs, were given to new princes without its consent. Tuscany became a grand duchy of Austria in secundo-geniture; Savoy was enlarged and converted into a kingdom. Clement XI. had staked his hopes, in the Spanish War of Succession, on the good fortune of Louis XIV., and had declared for Philip V. of Anjou; but after the victory of the allied arms of Austria, England, and Prussia he was forced to acknowledge the archduke Charles III. as king of Spain. The States of the Church, so far from securing his independence, became a source of weakness to him, by the pressure imposed upon the Papacy through the occupation of its provinces. It was only natural that the weakening of his temporal power should have a corresponding effect upon his spiritual position in the Church. The moderation evinced by the popes at this period was certainly not due to any change of system; on the contrary, they still refused to surrender one jot of their principles. But confronted, as they were, by Catholic princes, whose hostility they could not venture to incur, they found themselves unable to give practical effect to their pretensions; and they were forced, therefore, to make extensive concessions to countries like

Spain, Portugal, and Naples, to retain the privilege of supremacy in the Church.

Reaction against authority in France.

But the power of Rome, crippled as it was by this altered system of political relations, was still further weakened by the intellectual movement which broke through its barriers at the death of Louis XIV. France, under his government, exhausted by long civil wars, had embraced with almost passionate fervour the worship of absolute monarchy, and basked in the prestige won by French royalty in Europe, through its imposing position in the world of politics, of intellect, and of industry. Even when the star of Louis XIV. was declining, the grandeur of his name served to cover his defeats; and France remained, notwithstanding his reverses, the leading power in Europe. But matters took a different turn when, after his death, the guidance of the State fell into hands as incapable as they were unworthy, which prepared for France humiliation abroad, while the progress of national decadence spread rapidly at home. For a long time the nation had been cut off from all practical participation in public affairs. The people were confronted by a government which gambled with the interests of its subjects with the unbridled license of arbitrary power, whilst clinging immovably to institutions long stripped of all authority with the process of time, and upholding, or at least not venturing to impugn, the immunities of the privileged classes, who plundered the lower orders with shameless rapacity. The intellectual movement of that age, powerless to remove these abuses, flung itself into the most violent resistance against all historical institutions. The literary men who headed that movement, devoid as they were of all experience in practical statesmanship, devoid of sympathy with real life, and devoid therefore of those qualities which alone can determine possibilities, imagined that they could remove the tremendous chaos of traditional abuses, by simply rebuilding from its foundations the edifice of State and society according to the so-called dictates of reason. And as the large majority of the people were suffering heavily from the pressure of political relations, the nation received with avidity the gospel of this political rationalism, as a message and earnest of salvation. The more powerless men were to remedy practical evils, the more excited they grew on behalf of universal equality, and of the inalienable rights of man. So powerful, indeed, was this current of thought, that it seized even those classes whose downfall was a certain consequence of its triumph. Sybaritic courtiers, who lived only on privilege, raved for democracy; and Franklin, with his Quaker garb, became the idol of Parisian saloons. The same movement took an anti-Christian colouring in the province of religion. Officially speaking, the relations of Church and State continued, it is true, unchanged until the close of the century. The Catholic worship alone was recognised, and every attack upon it was punished with cruel severity.

Persecution of Protestants.

The chevalier de la Barre was condemned, in 1765, on charges, pretended by the clergy, of ridiculing the ceremonies of their religion, 'à avoir le poing coupé, puis la langue arrachée, puis la tête tranchée, et le corps réduit en cendres'—a sentence the literal execution of which extorted Voltaire's description of France as 'le pays des singes devenus tigres.' In Alsace the Protestants enjoyed a certain liberty of conscience—not, however, always respected—by virtue of an international treaty. But elsewhere in all quarters the edict of 1724, prohibiting the exercise of the Reformed religion, on pain of being sent to the galleys, remained in force until the Act of Toleration in 1787; and in 1754, when the execution of penal laws against the Protestants was proposed to be revived in all their rigour, it was only through the intercession of the bishop of Montpellier that the court consented to connive at their worship, and to permit the celebration of their marriages.[1] Yet only eight years before forty Protestant noblemen had been sentenced to death 'pour avoir assisté de nuit à une prédication au désert.' As late as 1762 a Protestant pastor, M. de la Rochette, was hanged for having administered the Sacrament; and in the same year took place the judicial murder of Jean Calas, an act confirmed by the parliament of Toulouse.[2] Yet, in the face of all these atrocities, the assemblies of the Catholic clergy repeatedly complained of the attempts of the Protestants to obtain liberty of conscience! At the coronation of Louis XVI. (June 11, 1775) the archbishop of Toulouse adjured the king to secure the unity of Christian worship by depriving heretics of all hope of obtaining temples and altars. 'Sire,' he said, 'vous reprouverez les conseils d'une fausse paix, les systèmes d'une tolérance coupable. Il vous est réservé de porter le dernier coup au Calvinisme dans vos États.' In his coronation oath Turgot attempted to have the words 'to exterminate the heretics' omitted; but the bigotry of the clergy proved too strong for his resistance, and the timidity of the new monarch yielded to their demands. It is only fair, indeed, to acquit Louis XVI. of any predisposition to persecution. On the contrary, he inclined naturally, like his minister, to toleration; and in 1780, when the clergy, anxious to revive their crusade against the Protestants, presented a memorial to him to that effect, his cautious reply sufficiently indicated the moderation of his policy.[3] So obstinate, however, was the intolerance of the hierarchy, that as late as 1789, immediately before the meeting of the States-General, a report of the abbé de la Rochefoucauld declared, 'Cette secte, qui, au milieu de ses ruines, conserve l'esprit d'audace et d'indépendance qu'elle eut dès son origine, veut usurper par le mensonge des droits qui n'appartiennent qu'à la vérité.'[1]

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[1] 'La Vie Privée,' tom. iii. p. 19.

[2] Lacretelle, 'Hist. de France,' t. iv. p. 93.

[3] The margin of this memorial is noted with comments of a liberal character, which offer a marked opposition to the intolerant tenor of its contents. (See Soulavie's Memoirs, vol. v. cap. vi. p. 138, *sqq.*)

Corruption of the higher clergy.

And what, meanwhile, was the interior aspect of this autocratic and persecuting Church? Whilst the government abetted this intolerance of the clergy, it prevented even the timid attempts at reform made by the Church, and turned a deaf ear to all proposals of synods. All high places and their lavish emoluments were reserved for the nobility, and served as provisions for their younger sons. The chapters invariably demanded the voucher of a title, and, in defiance of canonical precept, excluded from the superior dignities of the Church all those who were not of noble birth. Add to this a vast host of ecclesiastical sinecures, without reckoning, indeed, the numerous and often very opulent monastic foundations, which were in a frightful state of decay. The Crown had confiscated many of these as royal demesnes, but had granted them as benefices, exempt from all obligations;[2] and they offered to youthful ecclesiastics belonging to noble families an income adequate to their rank until a suitable bishopric should fall vacant. Bestowed, as they were, by those who were powerful at Court, it is easy to imagine the crowd of elegant abbés that surrounded a 'Madame de Pompadour.' The whole enormous aggregate of ecclesiastical property, the revenue of which was estimated at 100,000,000 livres derived from tithes,[1] and from 60,000,000 to 70,000,000 livres derived from landed possessions, was absolutely exempt from taxation. The clergy gave to the State a few millions as a gratuity (*don gratuit*), but resisted with the bitterest indignation any attempt to subject their estates to the universal obligation of taxation; and as late as 1788, when the financial embarrassments of the nation and the misery of the lower orders had reached their climax, their reply to a demand of that kind, returned not in a synod, but in an assembly convoked for secular purposes,[2] was this: 'ces biens sont voués, consacrés à Dieu. Notre conscience et notre honneur ne nous permettent pas de consentir à changer en tribut nécessaire ce qui ne peut être que l'offrande de notre amour.' The zeal for the maintenance of orthodoxy kept pace with the zeal for the acquirement of wealth. In 1730 the Bull *Unigenitus* was declared to be a law of the State. The devotion of the *Sacré Cœur*, denounced originally by the clergy as a coarse superstition, was promulgated by the Jesuits, adopted afterwards by the bishops, and finally sanctioned in 1765 by Pope Clement XIII.[1] Clergy and parliament quarrelled fiercely over the *billets de confession*—in other words, over the question whether a priest was entitled to demand a certificate of belief from a sick person before administering extreme unction. Meanwhile, for all requirements of education and for the relief of the poor (a duty devolving on the Church), the provision was scanty and inadequate in the extreme. The whole burden of the work lay on the inferior clergy, who were miserably underpaid, besides being excluded from the ecclesiastical establishment, and absolutely dependent on their superiors. They shared the misery of the people, as well as their exasperation against the existing order of things; but they were forced to suffer in silence.[2] Thus between the bishops, nearly all of whom belonged to the nobility, and the priests, who represented the *tiers état*, the mutual estrangement became as great as between the Court nobility and the people. The bishops, who scarcely condescended to give a thought to the duties of their office, spent their incomes chiefly in Paris.[3] A satirist observed that the king would be able to convoke in an evening a council for the morrow, and be sure of finding all the bishops not only present, but prepared to stamp his commands into laws of the Church. And what a picture is revealed of the immorality of the superior clergy during the eighteenth century, when a Dubois could rise to be not only a minister, but an archbishop and a cardinal.

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[1] How difficult it is for Catholics, even otherwise impartial, to form a right judgment on this point, is shown by the fact that even de Tocqueville can say, in the face of such facts, 'Reconnaissons que l'Église n'avait rien de plus attaquable chez nous qu'ailleurs; les vices et les abus qu'on y avait mêlés étaient, au contraire, moindres que dans la plupart des pays catholiques; elle était infiniment plus tolérante qu'elle ne l'avait été jusque là, et qu'elle ne l'était encore chez d'autres peuples.' —'L'Ancien Régime et la Révolution,' p. 230.

[2] These *abbayes commendataires*, which amounted to four-fifths of all monastic institutions, were defined as 'une provision d'un bénéfice régulier accordée à un séculier avec dispense de régularité.' Some of them were extremely wealthy. St. Germain des Prés had a revenue of 150,000 livres, St. Etienne of 70,000, and six others of 50,000.

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[1] The bishoprics were very unequal both in extent and endowments. Strasburg had 300,000 livres, Paris 200,000, Rouen and Toulouse 100,000. Several had incomes varying from 40,000 to 20,000 livres; Senez had 10,000, Vence 7,000.

[2] The regular small assemblies, which were held every five years, only regulated the accounts of the Church; the large assemblies convoked every ten years voted the *don gratuit*, and submitted the grievances of the clergy to the king.

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[1] According to the 'Vie de Marguerite Marie Alacoque,' by Languet, bishop of Soissons, published about the middle of the century, Christ appeared to the so-called sister in 1678, took His heart from out His breast, and gave it to her. 'Ensuite lui demanda de lui donner son cœur pour le prix du présent qu'il venait de lui faire. La sœur le lui offrit avec toute l'ardeur dont elle put être capable; le Fils de Dieu le prit effectivement et le plaça dans le sien.'

[2] The only respect in which their position was better than now was that most of them were irremovable, and that the bishops generally had little influence on their appointment.

[3] There were, no doubt, some bishops and abbés who resided in their sees, pretty much as the clergy do now, and distinguished themselves as honourably from their brethren at Court, as the nobility of some provinces distinguished themselves from the 'noblesse de Cour.'

Progress of free-thinking.

It is easy to understand that on this combustible mass of intolerance, superstition, and vile egotism, now exhibited by the official Church in France, the writings of the French free-thinkers fell like a live spark. Before these writers appeared, deistic philosophy had already been preached in England; but the influence of Toland, Bolingbroke, and Shaftesbury was powerless to unsettle the sober, religious, and moral convictions of the English nation, content as it was with the existing institutions of Church and State, as in Germany, on the other hand, the influence of philosophical unbelief was power~~ful~~ less ~~and~~ to penetrat~~ing~~ e among the popular masses. But the abuses of the French Church were so patent and glaring that the indignation they excited broke loose altogether from the moorings of belief in general, which constitute the essence and mainstay of all Church life. Men fancied that they could supply the place of religion by a doctrine of reason. Irreligion became a passion which infected all sections of society, from the noble to the peasant. They outwardly complied with the usages of the Church, but in common with the philosophers derided them.

Montesquieu.

Montesquieu, whose 'Lettres Persanes' came first, still retained the moderation and sobriety to be expected from a man of historical culture. As in politics he exhibits no predilection for democracy, but eulogises the English constitution as a model for other countries, so in the province of religion, so far from being an enemy of Christianity, he is inclined rather to favour Protestantism. He assails not only the abuses of the French Church in particular, but Catholic institutions and dogmas in general.

He ridicules the Bull *Unigenitus*, and even transubstantiation. The pope is called an old idol, propitiated with incense from habit. To celibacy is ascribed the decrease in the population; and he asks how, if marriage is holy, its contrary can be holier. He predicts that Catholicism will not last five hundred years longer; but to Protestantism he promises a brilliant future. In his 'Esprit des Lois,' he treats religion from a purely political point of view; but even here he renews his assault upon Catholicism and Catholic institutions, by exposing the mischief of monarchism, the misspent riches of the clergy, and the abuse of holydays and festivals. He demands toleration, though only to a limited extent. Where several religions actually exist, the Government must tolerate them, and enforce upon them, moreover, the exercise of mutual toleration. But since, according to his curious theory, it is only the intolerant religions that endeavour to propagate their creed, he recommends the State, if it has one religion only, and is satisfied therewith, not to tolerate the intrusion of another, because such intrusion would only generate contention. Religious liberty, in a word, is to depend solely on considerations of politics.[1]

Voltaire.

Far more aggressive were the views of the encyclopædists, whose intellectual champion was Voltaire. His peculiar merit, as shown in his bold defence of Jean Calas, consisted in his courageous advocacy of genuine and universal toleration. But the source of his toleration was indifference, as was the case with his royal friend Frederick II., who would leave all his subjects to choose their own road to heaven. His was not the toleration, therefore, of those who, having deep convictions themselves, reverence conscience as the source, and liberty of conscience as the sole and ultimate guarantee, of truth. The secret of Voltaire's energy was hatred, mixed with an affected contempt, of Christianity. His reasoning is shallow, notwithstanding all his expenditure of wit and learned refinement; and his mode of combat frivolous and dishonest, pretending merely to contemplate reforms on some points, while his real object was to destroy the whole fabric of religion and society.[1]

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[1] 'Esprit des Lois,' xxv. 9, 10.

Rousseau. 1712–77.

From this school of sensualists it was but a natural phase of transition to the materialistic school of the 'Système de la Nature.' When men had once broken loose from Christianity, they rapidly came to question everything. Atheism now was openly proclaimed; and all religious sentiment was derided as a dream and vagary of the human mind. Rousseau preserves a feature of Ideality, but his hostility to positive religion and true religious liberty is just as decided as his 'sovereignty of the people' is incompatible with every organic and free system of civil government. He creates a deity for himself with a minimum of dogma; but this deity is to be State-religion. Although individual subjects cannot be forced to believe its articles, yet they can be banished if they refuse to do so; for the State cannot tolerate members who refuse obedience to its laws. Whoever has professed to accept such articles of belief, 'et se conduit comme ne les croyant pas,' shall be punished with death—a theory which Rousseau's disciples carried faithfully into practice in the worship of *l'Être Suprême* during the Convention.

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[1] It would also be a great error to consider him as a champion of liberty. In 1768 he wrote to the Russian minister Schouvaloff, 'Les princes Catholiques commencent un peu à réformer les entreprises de la superstition, mais au lieu de couper la tête à l'hydre ils se contentent de lui mordre la queue; ils reconnaissent encore deux puissances, ou ils feignent de les reconnaître. Ils ne sont pas assez hardis pour déclarer que l'Eglise doit dépendre uniquement du souverain. Il n'y a que votre illustre Souveraine qui ait raison: elle paye les prêtres, elle leur ouvre la bouche et la ferme, ils sont à ses ordres et tout est tranquille.' To reduce the Church to the level of Russian Cæsaro-Papism seemed perfection to the champion of enlightenment.

Spread of unbelief.

The whole movement, in fact, thus personified in its leading intellectual champion, was the natural consequence of the suppression of Protestantism and Jansenism. The government in France had sought at first to re-establish unity of belief, and they had prepared the way for unbelief. They would not tolerate the Gospel liberty of belief, and from the seed of persecution sprang up indifference to all religion. In vain did the clergy wage war against these writings, which, in forms the most various, insinuated themselves into all the educated circles of society, and undermined the authority of the Church and the Crown. In vain did they invoke the assistance, jointly and separately, of throne and altar. The 'Encyclopédie,' it is true, was prohibited, 'comme tendant à l'esprit de révolte et d'incrédulité;' but, in spite of this prohibition, no less than 30,000 copies were sold of the first edition alone. Malesherbes himself, as 'directeur-général de la librairie,' secretly protected the work, and corrected the proof-sheets of Rousseau's 'Émile.' When Helvetius's treatise 'De l'Esprit' appeared, Madame Dudeffand remarked of the author, 'C'est un homme qui dit le secret de tout le monde.' If this free-thinking destroyed untenable pretensions and prejudices, it unquestionably destroyed also the pith and essence of whatever religion and morality remained in the national life. One victory, and one only, it gained, before it was made bankrupt at the Revolution, and that was the abolition of the order of the Jesuits.

The Jesuits expelled from France,

This powerful society, not content with nearly monopolising the conduct of instruction, the cure of souls, and, in particular, the posts of confessors to the sovereigns in Catholic countries, had succeeded in amassing enormous wealth, and annexed to their missions beyond the seas, at first so successful, an extensive and lucrative business in commerce. The abuses thus engendered necessarily provoked criticism, as much as did the lax morality of the order itself, which had never recovered from the crushing attacks of Pascal; while against the strictures of the philosophical school it opposed but a feeble and contemptible defence. The tide of public opinion was now too strong to be resisted, and a scandalous lawsuit, arising from Father Lavalette's commercial transactions in Martinique, brought matters to a crisis. The parliament of Paris, before whom the cause was brought in 1761, ordered the College of La Flèche to pay the debts incurred by its mission in the West Indies, and prohibited all members of the order from engaging in trade, as contrary to the canons and laws of the realm.[1] This sentence was followed up in the same year by two *arrêts*, the one ordering the Jesuits to furnish a return of all their establishments in France; the other ordering their books of religious instruction to be burned as heretical by the public executioner. The next year an Edict declared the society inadmissible. Louis XV., notwithstanding the presence of Choiseul and Madame de Pompadour, was inclined to save the order from annihilation, and appointed a commission to prepare a scheme of reform. A meeting of 51 bishops, assembled at a private conference at the house of the cardinal de Luynes, resolved, with only six dissentients, that the unlimited authority of a general residing at Rome was incompatible with the laws of the realm, and that a vicar ought to be appointed by him, who should reside in France, and exercise his authority on his behalf. But neither Pope Clement XIII. nor the general, Lorenzo Ricci, would listen to a reform which would break the unity of the institution, and destroy therefore the bulwark of its strength. The pope, in his reply to the letter of Louis conveying this proposal, appealed to the fact that the Council of Trent had approved the constitution of the society, and reminded him that, by the Gallican principles, a general council was above the pope. Ricci replied (or is reported to have replied) with the famous words, 'Sint ut sunt, aut non sint.' Reform being hopeless, nothing now remained but to issue an edict of proscription. In Portugal the order had already been suppressed by the marquis of Pombal, and the superior, Malagrida, was burnt as a heretic. In Spain the *émeute des chapeaux* served as a pretext for their expulsion; and the example was followed in Naples. In a dispute between the Curia and the duke of Parma the Bourbon powers sided with the latter; they occupied Avignon and Benevento, and demanded from the pope the dissolution of the order. At this crisis Clement XIII. died (Feb. 9, 1769), but the powers threatened an open rupture unless the election of his successor was made agreeably to their choice; and finally, after a conclave notorious for rival intrigues,[1] their own candidate, Ganganelli, was appointed to the papal chair, under the name of Clement XIV. The new pontiff in vain essayed to temporise with the demands for the abolition of the obnoxious order. After hesitating for nearly four years, he consented at last to decree their extinction by the brief *Dominus et Redemptor Noster* (July 21, 1773), on the ground that, 'so long as the society existed, it was very difficult, not to say impossible, for the Church to recover a firm and durable peace.'[2]

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[1] 'Hist. du Parlement de Paris,' cap. 67.

and from other Catholic countries.

The order abolished by Clement XIV., 1769-1774.

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[1] The secret history of this conclave is written in the pages of St. Priest, and in the correspondence of the French ambassador D'Aubeterre and the cardinal de Bernis, the leader of the anti-Jesuit party.

[2] M. Crétineau Joly, in his 'Clément XIV. et les Jésuites,' Paris, 1847, says the pope signed this brief with a pencil on a window of the

The actual importance of this event has in many ways been abundantly overrated. The order itself could certainly be dissolved, notwithstanding the opposition of its members, who maintained that Pius V. had promised that the privileges, once granted to them, should never be revoked. But the Jesuits themselves did not disappear, though they were forced to adopt the garb of the secular clergy, and even at Rome they were very soon tolerated again. In Russia, where they had shown their compliance to Catherine II. at the first partition of Poland, they still continued to flourish, as in Prussia also, since Frederick II. declared that he had guaranteed the Catholic religion in *statu quo*, and could not dispense with the Jesuits for the instruction of the Catholic youth in Silesia and West Prussia. On the other hand, however, the abolition of the order was extremely significant at that age. It was not a question of the suppression of an order like that of the Franciscans or Benedictines, but of an institution which identified itself with the Papacy, which had fought its battles, had suffered for it, and compromised itself so far as to defend regicide and the sovereignty of the people. By sacrificing the Jesuits the Court of Rome abandoned altogether the position it had so firmly maintained for the last two centuries. Loyola had founded the society for the contest against Protestantism. That society had wrested from Protestantism a large territory of dominion; and by its abolition the pope directly admitted that the period of that contest had closed, and that no hope any longer remained of dislodging Protestantism from its entrenchments. Still more remarkable was it that those very Catholic countries, whom the Jesuits had supported in the struggle, made the abolition of the order the

Quirinal, and adds, on the authority of Gregory XVI., that after doing so he fell in a swoon on the floor, *et qu'il ne fut relevé que le lendemain!*

condition of a good understanding with Rome, on the ground, as they alleged, that its organisation appeared to them incompatible with the paramount idea of the sovereignty of the State. Had a great man occupied the papal chair, he would have tried to save the order by reforming it. But Clement XIV. was utterly wanting in power to effect such a reform in the teeth of the inflexible general. Nor was he in any way imbued, as has been asserted, with the prevailing spirit of enlightenment. On the contrary, he entertained originally a profound veneration for the Jesuits, and thoroughly understood how intimately the existence of the modern papal system was interwoven with that society. In consenting at last to their abolition, he was simply yielding to the pressure of circumstances. A refusal might lead to a schism in the Church, to the ultimate loss of Avignon and Benevento, perhaps even to that of his temporal independence. Nevertheless, his consent was an acknowledgment of weakness and a virtual confession of defeat. By abolishing that order, which had been the keenest champion of the Papacy, in its most extravagant pretensions to authority, the Vatican directly admitted that those pretensions could never be enforced, and that its enemies, who were daily increasing in power, had achieved a signal and conclusive victory. The remorse which Clement XIV. experienced after ratifying the brief for their extinction was quite consistent with his probable sense of humiliation.[1]

Progress of enlightment in Germany.

The consequences of this measure against the Jesuits soon showed themselves even in Germany, which had taken no part in the movement for their abolition. German Catholicism could not shake off the influence of the spirit of the eighteenth century. Ever since that century began, efforts at reformation, stimulated by the writings of Muratori, had manifested themselves, all of which aimed, in opposition to the Jesuits, at softening Catholic dogma. Those efforts had met with support among the superior clergy, and even from the archbishop of Salzburg, the very man who had expelled the Protestants with such cruelty from his diocese. In 1742 the bishop of Breslau forbade his clergy to denounce the members of other persuasions as heretics; and his successor concluded in 1750 an agreement with Frederick II., granting full liberty of conscience to confess either religion. In mixed marriages no previous obligation was to be imposed touching the religion of the children, and binding the sons to follow that of the father, the daughters that of the mother. The consecration of such marriages was not dealt with, the same having always been performed without any opposition from the Catholic clergy. Benedict XIV. yielded a tacit sanction to these concessions, in order, as he said, to avert graver mischief from the Church, and the zealous opposition of his more severe successor, Clement XIII., proved ineffectual. Meanwhile, in the ecclesiastical States the condition of affairs during the first half of the century was scandalous in the extreme. The Western States were always in league with France, or with the highest bidder for their support.[1] The episcopal rivalled the secular Courts in corruption. As late as 1740 an edict had to be published at Münster forbidding the ecclesiastical magnates to invite their mistresses in common to public festivals. Von

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[1] The story of his having been poisoned by the Jesuits is a thoroughly unfounded suspicion. M. Joly somewhat naïvely defends them on the ground that such an act would have been impolitic—a defence more ingenuous than complimentary.

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[1] A French historian (Martin) pithily remarks of these spiritual princes, 'Ces gens étaient tellement habitués à négocier la main tendue, que des politiques plus scrupuleux eussent eu grand' peine à éviter d'acheter des gens qui voulaient absolument se vendre.'

Lang found that the daily drunkenness of all the German Courts was worst at Würzburg and Fulda. The hordes of secular and monastic priests spread universal laziness and indolence; about fifty priests were reckoned to every square mile of Church territory. The chapters, which everywhere appeared as political corporations, and on that account considered themselves co-partners of territorial sovereignty, were filled by the younger sons, educated by Jesuits, of the few noble families eligible for the office. They lived in perpetual feud with the bishops, whose hands they sought to bind by the articles of election; and when the bishops allowed themselves to be absolved from their oath by the pope, they had to swear that in such a case their families, 'propter quasi notam infamiæ,' should be ineligible for a hundred years for capitular appointments. But in the second half of the century an entire change took place in many ecclesiastical Courts.[1] The electors of Mayence, Trèves, and Cologne, the prince-bishop of Würzburg and Bamberg, ruled in the full spirit of enlightenment. Protestant professors were appointed to the newly-founded Universities of Bonn and Mayence, the latter being endowed from the revenues of suppressed monasteries. The Jesuits were removed from all influential posts; the system of education was organised, the extravagant list of holy days curtailed, the censorship mitigated. The Bible was printed in the authorised translation; the management of the poor and sick was placed under secular authorities. The archbishop of Salzburg, who had ruled since 1772, introduced a German hymn book; he sent ecclesiastics of his diocese to Protestant universities, and issued pastoral letters in the spirit of an 'enlightened friend of religion,' in which Nicolai could find nothing to censure. The princes and their ministers were on terms of personal friendship with the champions of enlightenment. The busts of Rousseau and Voltaire were found in their castles, and their works on the shelves of the chapter libraries.

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[1] Perthes, 'Das Deutsche Staatsleben vor der Revolution,' p. 162, *sqq.*

Episcopal independence of Rome vindicated by Febronius.

Meanwhile it was a circumstance of peculiar importance for the future that in those very ecclesiastical States, by a partial espousal of Gallican principles, the movement for episcopal independence reasserted its power. That movement found its theoretical expression in the famous treatise of Nicolaus von Hontheim, the suffragan bishop of Trèves, 'On the State of the Church and the Legitimate Power of the Roman Bishop,' which was published at Frankfort in 1763, under the pseudonym of Febronius. The author laboured with much erudition to prove that the development of the monarchical constitution of the Church was due to the authority attached to the false Decretals. The episcopate, he argued, as having been instituted by Christ Himself, was of Divine origin. The primacy, indeed, had been conferred upon St. Peter, but the grant, so far from giving him any power or jurisdiction over his fellow-bishops, simply invested him with a directing authority, such as was requisite for the unity of the Church. The authority of all the bishops, assembled in general council, was supreme even over the pope, who could issue no laws of binding obligation without their assent thus formally expressed. This was, in fact, the old doctrine of Church Councils in the fifteenth century, as well as of the Gallican school, whose views Hontheim had imbibed at the University of Louvain, under the famous canonist Van Espen. It was strange, however, that the author who subjected the existing government of the Church to so severe a criticism, and exposed the pernicious character of the papal monarchy, should preface his work with a respectful dedication to the pope himself, and entreat him to renounce the power he possessed, on the ground that he had no Divine warrant for its exercise, supporting, moreover, this somewhat naïve request with the threat that, in the event of his non-compliance, the governments would be forced to exert their authority for imposing fixed limits on the pretensions of the Curia. Those governments, as well as the bishops, he called upon to assert and substantiate their apostolic rights, and, either by a general council or by national synods, to effect a reformation of the Church, which should pave the way for a reunion with the Protestants. This last proposal, so incapable of any practical execution, sufficed to show that the author was not born a practical reformer. He was ignorant of the real nature of Protestantism, and infatuated with Jansenistic theories. Later events have proved, moreover, that in modern times the adjustment of the relations between Church and State can be achieved as little by his notions of episcopacy as, in former days, it could be achieved by the councils of the fifteenth century, or by the Gallican principles of Louis XIV. Hontheim himself was finally induced to make a recantation, the substance of which, however, he afterwards attempted to modify.[1] Nevertheless, in those days of the waning power of the Papacy, the work exerted a far-reaching influence, and became the armoury of those schoolmen and politicians who, without openly breaking with the Curia, endeavoured to determine the proper limits of its jurisdiction in Church and State.

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[1] Hontheim stated as reasons for his recantation, (1) because he was old and could no longer endure vexations; (2) because his brother's children were exposed to the cruellest persecutions; (3) because, although the recantation would injure himself personally—that is, his reputation—it would in no way injure the cause, since his writings contained eternal truths. We are bound in candour to consider that this recantation took place a century ago, and that Hontheim as well as his relations lived in the spiritual electorate of Trèves.

The Coblentz Articles, 1769.

This influence was remarkably illustrated by the Statement of Grievances, complaining of papal encroachments on the liberties of the German Church, which was submitted to the emperor in 1769 by the archbishops of Mayence, Cologne, and Trèves. These 'Coblentz Articles,' as they are called, demanded the abolition of fiscal impositions of the pope, and of all dispensations, reservations, and other abuses of power, especially that arising from the usurped jurisdiction of nuncios. To this memorial Joseph II. returned an evasive reply, and matters remained in suspense until the creation of a new papal nunciature at Munich in 1785, at the request of the elector of Bavaria, revived the flames of discontent, and drove the archbishop of Salzburg, who found his own temporal jurisdiction injured by the step, to join his brother metropolitans. To their renewed remonstrances the emperor this time returned a favourable answer. After promising them his protection as 'Chief Defender' of the Church in Germany, he informed them that he had given the pope to understand that he could never permit the archbishop and bishops to be disturbed in their rights, and that he refused to recognise the nuncio in future otherwise than as a political envoy of the pope, without allowing him any ecclesiastical jurisdiction. Armed with this imperial rescript, the metropolitans began hostilities with the nuncio, and the quarrel led in 1786 to the Punctations drawn up at a conference at Ems. This instrument, consisting of twenty-three articles, formally embodied the principles of Febronius. It demanded that the rights of the Roman primate should be limited to the enforcement of canonical obedience, and that all claims emanating from the pseudo-Isidorian decretals[1]

Punctations of Ems, Aug. 25, 1786.

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[1] The innovations introduced by these forged decretals, and the infringement of the German Concordats, had already been made a subject of complaint in a letter addressed by the Electoral College, on

should be annulled. It demanded that the bishops should be reinstated in their privileges of independence 'which they had lost by unwarrantable usurpations;' that their oath of allegiance to the pope, devised by Gregory VII., and inserted in the Decretals by Gregory IX., should be replaced by another, since the laws of the empire forbade them to pledge themselves any longer to persecute heretics; and finally, that a national council should be convened, within two years at the latest, to redress their grievances and reform the German Church. These requests, urgently as they were passed upon the emperor by the metropolitans, were never realised. In the first place, opposition, chiefly dictated by jealousy, was encountered from the suffragans, who preferred the same complaints against their metropolitans as the latter had preferred against the pope. In the full spirit of the pseudo-Isidorian decretals they would rather obey a cosmopolitan pope than a metropolitan bishop. They dwelt on the fact that, on a matter affecting their personal rights, their own opinion had never been previously consulted; and they maintained that the metropolitans by themselves had no authority to represent them before the emperor and the empire. Technically, no doubt, this was correct; and since the independent Church-government, to which the metropolitans aspired, by no means suited the ideas of the emperor, he recommended these dignitaries, in his reply to their proposals of reform, to ascertain the sentiments of the suffragans and the secular States of the empire, giving them but very lukewarm support in their quarrel respecting the nunciature.

March 19, 1764, to the emperor. The complaints are repeated in Art. VI. of the Punctations. The articles will be found translated *in extenso* in the report of the select committee of the House of Commons 'On the Regulation of Roman Catholic Subjects in Foreign States.' 1817, Appendix, p. 150, *sqq*.

The Bavarian Palatinate openly espoused the cause of the nuncio. Prussia remained neutral; and after procuring the election of Dalberg as coadjutor of Mayence, arranged a *modus vivendi* with Rome, by means of an equivocal scheme of diplomacy, which, while deciding nothing on the disputed question of rights, took the edge off the opposition of the elector-archbishops. These were now compelled, one after another, to give way, and to beg once more from Rome the faculties they had claimed by virtue of inherent prerogative. Soon afterwards the French Revolution wiped out all these spiritual principalities; but the efforts of the superior clergy in Germany to achieve the maximum of independence possible with Rome, though frustrated for the time, remained not devoid of ulterior importance, especially as the Curia, by the abolition of the order of the Jesuits, whose property had been confiscated by the various sovereigns, had lost the readiest champions of its monarchical pretensions.

Assertion of State sovereignty in Bavaria;

In like manner, in the secular and purely Catholic States of the empire, the power of the civil sovereigns, which had steadily been advancing since the peace of Westphalia, made its influence felt in its relations with the Church. In Bavaria the Concordat of 1583, notwithstanding all its large concessions to the Roman See, had never succeeded in composing the differences between the civil and ecclesiastical authorities; and in course of the next two centuries the otherwise strictly orthodox princes sensibly asserted their endeavours, amply justified by the terms of the Treaty of Westphalia, which conferred upon Catholic princes the *jus circa sacra*, to maintain the rights of civil sovereignty against the Church. Ecclesiastical jurisdiction was curtailed; appeals to the princes were allowed in cases of abuse of spiritual authority or maladministration of office; the right of the *placet* for papal Bulls was strictly exercised. But the work of reform was initiated, and that with unexampled vigour, by the government of Max Joseph. To the Council of State, hitherto composed entirely of ecclesiastics, lay members were added as an essential element. The monasteries were subjected to restraint, and a fixed age was prescribed for taking the vow. The clergy were prohibited from holding intercourse with their superiors abroad; their jurisdiction was abolished, with the exception of slight punishments for breaches of discipline. The censorship was entrusted to civil authorities; the *placet* was rigorously maintained. The Benedictine monk Henry Braun, who was appointed to conduct the management of the school system, distinguished himself by his efforts to raise the standard of popular education. Every child, besides being instructed in Christian doctrine, was to be taught reading, writing, arithmetic and the German language by competent instructors and from sound school-books. Charles Theodore himself, notwithstanding his decided sympathies with the Curia in the quarrel of the German archbishops, had clung firmly to these regulations during the latter part of his reign, in spite of all the remonstrances of the clergy.

In the remaining Catholic States a similar adjustment of relations was brought about, though the infusion of enlightenment was often strangely tainted with old superstitions. In the electoral government of Düsseldorf, for example, the belief in the evil of witchcraft remained so firmly rooted that as late as 1750 three persons were persecuted on that charge.

In Austria, where, under Ferdinand II., the Jesuits had enjoyed almost absolute sway, the authority of the civil power assumed increasing pre-eminence under his successors. The State claimed the right of inspection over the Church, and of regulating all ecclesiastical in Austria under Maria Theresa, 1740–1780.

abuses. Decrees were issued, though certainly with the timid sanction of the government, for the restriction of spiritual jurisdiction, of the right of asylum enjoyed by churches and convents, and of the alienation of landed property in mortmain. But these relations entered upon a new phase of development under Maria Theresa.[1] Just as she was the first to consolidate into a united empire the loose confederacy of the Germano-Austrian provinces, so she maintained with a firm hand her rights of civil sovereignty towards the Church, although she herself was so bigoted a Catholic as not to tolerate any heresy in her dominions. Already at the beginning of her reign she had explicitly established the validity of the *placet* for all papal Bulls,[2] and refused it for that Bull by which Clement XIII. defended the Jesuits against the coercive measures of the Court of France. Under the influence of Kaunitz and Van Swieten she proceeded to far more serious reforms. All real and personal immunities of the clergy were absolutely abolished: they were subject in civil causes to civil courts of justice, and their property was subject to the ordinary public charges. Processions and festivals were restricted. Stringent regulations were issued respecting vows and ordination. The monastic prisons were closed, and the right of asylum finally revoked. A law of 1758 punished with severity all exorcism and trial for witchcraft.[3] Spiritual jurisdiction was considerably abridged, and made amenable to the control of civil courts. Appeals were granted to secular authorities against ecclesiastical judgments; and even excommunication was declared unlawful without the previous consent of the sovereign.[1] A check was put to the abuse of pious legacies by forbidding the regular clergy to attest, and any ecclesiastic to prepare, a will.[2] With regard to the Jesuits, the empress herself, whose confessor was a member of that order, took no part at first in the hostile measures of the Bourbon Courts; but she refused, nevertheless, to protect them, and ultimately assisted in their expulsion from her dominions as soon as the pope had decreed the abolition of the society. The bulk of their confiscated property, together with that of other religious foundations, went to swell the public fund for educational purposes, which was placed under the administration of the newly-instituted *Hof-Studien-Commission*, charged with the direction of the higher branches of education.

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[1] See Hock, 'Der Oesterreichische Staatsrath unter Maria Theresia und Josef II.'

[2] This law was published afresh in 1794, on the occasion of the papal Bull against the Synod of Pistoia. Dal Pozzo's 'Catholicism in Austria,' 1827, p. 114.

[3] Michiel's 'Secret History of the Austrian Government,' p. 346.

Influences of Febronius, Böhmer, &c.

In all these measures is seen the active influence, on the one side, of the school of Natural Law and Territorialism, and on the other of the treatise of Febronius. The canonists Riegger, Martini, Rautenstrauch, and Eybel claimed, like Van Espen of Louvain, universal validity for the Gallican principles; and applied to Catholic countries the theory of Böhmer, according to which the ecclesiastical is only a part of the civil government. They acknowledged the freedom of conscience and religious belief, but they made the practice of religious worship amenable to the State, whenever the relations of the latter were affected. The sovereign is entitled—nay, bound—to impose limits on Church authority in the exercise of his inherent rights of sovereignty. 'The State,' says Martini in his 'Positiones Juris Naturæ,' 'must employ due diligence to providing religion for all its subjects. The sovereign dare not let this leash slip from his hands, nor neglect it; and on that account he must keep the Church under strict control.'[1] As instruments for this purpose are mentioned the *recursus ad principem*, the *placet*, the restriction of ecclesiastical censures, and the approval of excommunication. The bishops failed in their protest against the decree of the government, which made Riegger's 'Manual of Canon Law' the class-book for lectures on that subject. At the same time the relations of Church and State in Austria were largely influenced by the personal veneration of the empress towards the Church. She upheld, indeed, her rights as sovereign of the realm, but she undertook no reform or innovation without the previous sanction of the Pope, though leaving Kaunitz to obtain that sanction by the exercise of a certain amount of pressure.

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[1] Some later laws of 1782, 1786, and 1791 prescribed that all complaints against ecclesiastical rectors relating to matters of discipline should be carried in the first place before the episcopal consistory, and that an appeal should lie, in case of negligence or injustice, to the provincial government. Dal Pozzo, 'Catholicism in Austria,' 1827, p. 120. With regard to excommunication, a law of June 17, 1775, enacted that the cause should be first discussed by a board, consisting of an equal number of civil and ecclesiastical commissioners. The sentence was to be pronounced by the ordinary, but not until it had been submitted to the sovereign and confirmed by his placet. Rechberger, 'Enchiridion Juris Eccles. Austriaci:' Lintz, 1809, vol. i. p. 201.

[2] Rechberger, vol. ii. cap. x. p. 24

Absolutist policy of Joseph II., 1780–1790.

A wholly different *régime* began when Joseph II. ascended the throne in 1780. Although nominally German emperor for the last sixteen years, he had hitherto been excluded from all practical business of State by the jealousy of his mother. His active spirit, chafing under inactivity, had thrown its energies with all the greater vehemence into projects for the future: and no sooner had he assumed the reins of government than he endeavoured to realise them with precipitate and revolutionary haste. Trained in the theory of natural law, he came to the throne with a system ready made, but without any notion of historical development or the power of existing relations. The State, in his view, was the source of law, in the sense that law ceased to exist when the State-power withdrew its sanction; and, as the absolute possessor of that power, he was determined to eradicate or alter whatever contradicted his ideas of enlightenment. Following in the footsteps of Frederick the Great, he wished to enforce, by an imperial absolutism, that which appeared to him beneficial to the State; but in this intelligent dictatorship he overlooked the fact that Frederick, notwithstanding some mistakes of policy, confined himself steadily in the main to the accomplishment of what was compatible with concrete relations. These relations Joseph II. utterly disregarded: he mistook the difference between the philosopher and the statesman, and wished to make his subjects happy even against their will. But as the very idea of happiness is relative, he came naturally, in his dealings with his subjects, into rough contact with reality. Just as in his civil administration he was not satisfied with the task of putting an end to routine, and to the monopoly of government by single families of high rank, by a thorough reorganisation of the departments of State, but desired to rule the empire from his cabinet, without any regard to the various nationalities and provincial States—so in Church matters also he was not content with the removal of real and patent abuses. Austria owes to him unquestionably, in this latter sphere of policy, reforms abundantly rich in blessings. An edict of general toleration (October 13, 1781) granted religious liberty to all Protestants and members of the Greek Church, under the common denomination of non-Catholics—so far, at least, as concerned 'the private exercise of their religion.' No one was to be punished on religious grounds, unless he had violated the civil law; and all were to be appointed to offices by fitness alone, irrespective of creed. All papal dispensations and

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[1] Perthes, 'Polit. Zustände,' ii. 77.

Edict of Toleration, October 13, 1781.

His Church reforms.

reservations[1] were rejected; all Bulls and briefs were declared invalid without imperial sanction. The Bulls *Unigenitus* and *In Cœnâ Domini* were forbidden as strictly as attendance at the 'Collegium Germanicum' at Rome. An Edict of 1781 dissolved all such monastic orders as were of no practical use to the State. All foreign monks and nuns were sent away, and the native ones reduced by nearly 36,000, belonging mostly to the mendicant orders, which were the greatest plague to the country. Of 2,000 monasteries the emperor suppressed about one-half, and assigned their revenues to the 'Religious Fund' for the erection of new churches and increasing the stipends of the rural clergy. The ecclesiastical orders were forbidden to hold communication with their superiors at Rome, and were placed, without exception, under the supervision of the bishops, who were ordered in future to grant all spiritual dispensations, without applying previously to the pope.[2] The old episcopal oath, promising allegiance to the pope as a vassal to his lord, was exchanged for one limited to the obligation of canonical obedience; and a previous oath of fidelity to the emperor was required from all bishops before their consecration.[3] The enormous revenues of the superior clergy were largely curtailed, and, in cases of opposition, their temporalities were withdrawn altogether. The emperor abolished a vast number of holydays and pilgrimages: he introduced German hymns into public worship, and ordered the Bible to be published in German.

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[1] Aulic Decree, April 14, 1781.

[2] This included all dispensations for marriage (Sept. 4, 1781). A law, issued two years later, restored to the civil power the whole conduct of matrimonial affairs, and ordered all persons requiring dispensations for that purpose to obtain first the consent of the government before applying to the bishop. (Law of Jan. 16, 1783, § 16, in Dal Pozzo, *ut supra*, p. 62.) For absolution from vows application was to be made to the ordinary (Jan. 25, 1782).

[3] For the form of oath see 'Vita e Fasti di Giuseppe II.,' Lugano, 1790, vol. ii. p. 87. The original oath is in 'Concil. Trident.,' cap. iv. *De Jurejur.*

His eccentricities in this respect.

Had Joseph II. been satisfied with such reforms, at once so salutary and practicable, no exception could be taken to his policy. But unfortunately this was not the case. Even in the externals of worship, he was not content with abolishing open travesties of religion, but levied war against usages which, if bordering, perhaps, in some instances on superstition, yet were harmless, and endeared by long custom to the people. He stripped, for example, the rich ornaments from the images of the Madonna, and removed the uncouth, but innocuous, wooden effigies of saints. Funeral honours were abolished, in recognition of the equality of all mankind in death; and he indulged in such paltry and arbitrary directions as to order the burial of the dead in sacks, in order to economise the wood. In this manner he succeeded, no doubt, in breaking through the circle of traditional ideas on religion; but in so doing he introduced a fertile element of confusion, since at every moment he was changing his measures.

And yet it would be wrong to estimate the policy of Joseph solely by these exhibitions of littleness and caprice. His real intentions went much further. He wished to reform the Catholic Church according to his own ideas of enlightenment, though it must be allowed that those ideas were strangely obscure. So far, indeed, from being a disciple of the sceptical French philosophy, its democratic tendency alone sufficed to stimulate his hatred of that school. Nor did he regard Catholic dogma with aversion. His insight into it was far keener than that of most of his contemporaries; for he detected the inconsistency of the episcopal system, and understood well how inseparable was the union between the constitution and doctrine of the Catholic Church. On that account, though partly, perhaps, also from political motives, he favoured the efforts of the episcopate in Germany for independence; but he would hear as little of a national council, such as the Ems Punctations demanded, as of any negotiations with the Estates in secular affairs. His scheme was directed to infusing a different spirit into the priests, as he showed by abolishing, in 1783, all the schools attached to monasteries and religious houses, and founding new public seminaries (*General-Seminarien*), organised according to his own principles, whose pupils, as he wrote to Cardinal Herzan, were 'to carry with them a spirit of practical refinement into the world, and communicate that spirit to the people by their instruction.' In this manner, he added, 'the subjects of my realm shall be freed from the overweening power of Rome, and the priests shall be subject only to their fatherland.' In these seminaries the young students were to go through the whole theological course, and after that to be trained for a year in the practical cure of souls; and no one was to be either a secular or regular priest who had not spent five or six years in a seminary of the State. Apart, however, from the defect that, in elaborating the groundwork of this scheme, Joseph II. displayed a lamentable want of consistency—that his policy frequently veered round, and was therefore often self-contradictory—the principle itself was wrong. The Catholic Church may be stripped of all the privileges she has usurped in the province of civil dominion, but she cannot be forced to perform definite spiritual acts. She can be degraded into a mere private society, existing on sufferance; she can even be abolished; but she cannot be reformed by means of State remedies. Himself without any peculiar depth of religious feeling, Joseph II. could offer no compensation for what was destroyed. He could not say how the Catholic Church was to exist, without ceasing to be such as she was. He had devised for himself, upon the basis of Catholic dogma, a State-religion, according to whose principles his subjects were to be trained to obey the authority of the government, without any scope being left for the exercise of personal freedom. As Joseph II. only asserted the liberty of the press against the Roman Index, to substitute for that jurisdiction the imperial commission of censorship (*Censur-Commission*), so he was not content with rejecting papal pretensions, but intruded his own edicts in the place of the canon law, and his own person in the place of the pope, whence Frederick II. wittily described him as 'mon frère le sacristain.' Conduct of this kind was bound to end in failure. The Court of Rome, it is true, was too weak at that time for effective resistance: the protests of the nuncio remained unheeded; and even Pius VI., who in 1782 came in person to Vienna, failed wholly in his efforts at negotiation. But the clergy, and even the people of Austria, resisted these chartered measures of reform. The consequence was that the emperor essayed to accomplish by force the work undertaken in the name of liberty, and by so doing involved himself in a struggle which ended in his being forced to succumb.

His innovations opposed in Belgium.

It is well known how that struggle commenced in Belgium, where he had introduced his reforms respecting worship, education, and the conduct of monastic establishments—reforms which, in spite of his cautious consideration, had already excited great discontent in that country of bigoted Catholics. The Toleration Edict of 1781 granted to non-Catholics only the exercise of *private* worship; the Catholic religion alone was to remain the privileged religion of the State. Mixed marriages were allowed, but if the father was Catholic all his children were to be brought up in his faith. The Roman See was no longer to dispose of ecclesiastical offices, nor to exercise any ecclesiastical jurisdiction, nor to grant any further dispensations. Livings were no longer to be given away at the discretion of the patron, but by a competition of the most suitable candidates. All monasteries and nunneries of an idle character were suppressed, and their revenues devoted to purposes of practical religion. Sensible as most of these reforms unquestionably were, they were enough to inflame the violent animosity of Jesuits and bishops. The archbishop of Malines protested against the danger, into which even the most zealous Catholics were likely to be ensnared, of being led astray by toleration and indulgence towards the Protestants. The emperor, convinced that nothing but a liberal education could rescue the clergy from the meddlesome grasp of Rome, abolished the episcopal seminaries and established a public seminary at Louvain—affiliated to that at Luxembourg—where every ecclesiastic was to reside in future for five years. This edict (Oct. 17, 1786) provoked a lively opposition. Joseph II. imagined he could crush that opposition by expelling the nuncio, and establishing a centralised administration.[1] But this last measure, a violation of the constitutional charter—*La Joyeuse Entrée*—which he had sworn to observe, served only to rally the Liberals against him. The provincial assemblies protested in vain against the extension of the regal prerogative under the pretext of removing ecclesiastical abuses; and when Joseph proceeded, in 1789, to dissolve the States of Brabant and Hainault, for refusing to vote the subsidies he demanded, his act evoked a vigorous resistance, which proved fatal to his scheme of domination, and finally ended in open revolt. Not even the mediation of the pope, whom the emperor at length invoked, when in the depth of his humiliation, could allay the storm of popular discontent. The bishops of the Netherlands replied that the people did not want the liberty which was forced upon them, but demanded the restoration of the ancient faith, which it was their pride to maintain. The revolution was successful; and early in 1790 the revolted provinces, under the name of the United Belgian States, openly declared their independence. The next year (Jan. 20, 1791) a premature death closed the career of Joseph II.

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[1] The electoral colleges for the provincial States were suppressed, and all seignorial and ecclesiastical jurisdiction abolished. A supreme council and court of appeal were established at Brussels, and the provinces were divided into nine circles, on the pattern of Austria. (Grattan's 'History of the Netherlands,' p. 313.)

Failure of his policy explained.

If his self-written epitaph be just—'Here lies a sovereign whose intentions were pure, but who had the misfortune to see all his plans shipwrecked'— the explanation of his failure is contained in the saying of Frederick II., that his brother always wished to 'take the second step before the first.' With restless haste he interfered in all directions at the same moment—altered, reformed, restricted, or enlarged—and thus became involved in a ceaseless struggle with himself. He paid as little heed to the facts of history as to the requirements and wishes of his subjects. He began with exasperating them by an obstinate refusal of well-founded objections to his commands, often wholly impracticable; and he ended by yielding to defiant resistance. In Church policy his name has been perpetuated as the symbol of a system which, not content with conferring solid benefits by means of practicable reforms, aspires to regulate the internal relations of the Church by ordinances of State, according to the ideas of civilisation prevalent at the age—an attempt which has failed whenever it has been made, by reason of the interference in a sphere which lies outside the competence of the State.

American War of Independence.

The Belgian revolt, which offered, as has been seen, one proof of the truth of this maxim, was soon succeeded by the greatest revolution that modern Europe has ever witnessed. But before turning to France, to consider the effects of that revolution upon the relations of Church and State, let us cast a glance across the Atlantic, where the founders of North American independence were striving to realise a principle directly opposite to that of Joseph II.—namely, the separation of Church and State, with full religious liberty. In a republic which made equality of rights and freedom of individual progress the basis of its existence, and which at that time only tolerated slavery as an exceptional anomaly, to be abolished as soon as circumstances allowed, it was obviously impossible to maintain any such thing as the pre-eminence of a particular Church. Least of all was such pre-eminence possible with the Anglican Church, which had lost the support of the mother-country, and was invested with all the traditions of political abuse. On the other hand, the old Puritan spirit of exclusiveness, which, with the growing progress of enlightenment, had already been shorn of its harshest features, was now equally untenable. The only outlet and expedient was general freedom of religion and of worship. This freedom was formally ratified as a principle of State in the Federal constitution, which determined that the exercise of civil rights under the authority of the Union should not depend on the profession of a particular form of faith, and prohibited Congress from legislating on the introduction of religion or interfering with its exercise. By this pact, it is true, the several States of the Union were not yet forbidden the maintenance of a privileged

Religious liberty a principle of State.

form of worship for those relations of State life which were 'not subject to the authority of the Union.' In Connecticut, for example, where the Puritan worship was closely blended with the State, the terms of the colonial charter of 1662, which imposed upon the State the duty of providing for religious worship, still continued in force. The constitution of Massachusetts in 1780 required from all towns and local communities the maintenance of a public Protestant service, and the 'support of public Protestant teachers of piety, religion, and morality,' whose lectures all citizens were ordered to attend, so far as they could do so without scruples of conscience or excessive personal inconvenience, the neglect of these regulations in other cases being threatened with fines.[1] Seven States required a religious test as a qualification for office. In Maryland and Massachusetts it was enough to declare 'belief in the Christian religion.' The constitution of North Carolina (1776) excluded not only those who professed religious opinions incompatible with the liberty and safety of the State, but who denied the existence of God or the Divine authority of the Bible. In South Carolina and Georgia, where, as in New Jersey, the capacity of holding civil office was limited to Protestants, who in New Hampshire also monopolised all higher appointments, the test was a belief in 'the Protestant religion and the Divine authority of Scripture.' Vermont, though introducing full liberty of conscience and equality of civil rights, enjoined on all Christian sects alike the observance of the Sabbath. Pennsylvania required a declaration of belief in God and Scripture, and in the rewards and punishments of a future life.

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[1] As each man, however, chose his own religious society, the requisition had no effect in large towns, and was hardly felt elsewhere as a grievance. (Bancroft, 'Hist. of the United States,' ed. 1874, vol. ix. p. 276.)

Delaware added to this a declaration of belief in the Trinity.[1]

Thus a variegated texture was presented in this diversity of legislation in separate States of the Union. One common principle alone has been maintained—namely, that liberty of faith and worship is supreme, provided that religious convictions do not clash with the laws of the State, and that no one is allowed to shelter himself behind those convictions in order to avoid his duties as a citizen. Starting with this principle, the natural result followed in course of time that the connection between Church and State, in different States of the Union, became gradually, at least in an official sense, relaxed.

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[1] *Ibid.* p. 275.

CHAPTER XVI.

THE CHURCH AND THE FRENCH REVOLUTION.[1]

Toleration Edict by the Assembly of Notables—States-General—National Assembly. Sitting of 4th August—Suppression of Tithes—Confiscation of Church Property—Measures against Monastic Orders—Declaration of Rights of Man—Catholicism rejected as the State Religion—Civil Provision for the Clergy—Civil Constitution of the Church—Conflict between the Assembly and Clergy—Oath imposed on the Clergy—Religious Disorders—Persecutions of Clergy by the Convention—Freedom of Worship enacted—Bonaparte concludes the Treaty of Tolentino—Election of Pius VII.—Bonaparte's Church Policy—Negotiations with Consalvi—Concordat of 1801—Constitutional and Non-juring Bishops—The Organic Articles—Law of 8th April, 1802—Bonaparte crowned by the Pope—He dissolves the Pope's Temporal Sovereignty—Dispute respecting Canonical Institution—Negotiations with the Pope at Savona—Episcopal Council at Paris—Concordat of 1813—Abdication of Bonaparte—General Reflections.

History proves irrefutably, that no nation can venture with impunity to overleap the natural stages in the progress of development. Such a stage for Europe was the Reformation. The nations who rejected that Reformation, who persisted in the faith of the mediæval Church, and forcibly suppressed its renovation, have never recovered from the internal injury their conduct entailed upon themselves. If France retained a higher position of intellectual development than Austria, Spain, or Italy, she owed that superiority essentially to the influence which Protestantism, and its kindred form, at all events, of Jansenism, exercised over the best part of the nation. The revocation of the Edict of Nantes, and the suppression of Jansenism, were like the victory of Pyrrhus to the unity of Catholicism. The clergy became completely dependent on the crown. The intellectual powers, arrested in their natural development, abandoned themselves to that anti-Christian form of speculative thought which ended in Materialism. The nation, diseased to the core, now applied itself, by a tremendous upheaval of all its social and political relations, to the establishment of a Utopian commonwealth, on principles which, not for France alone, but for the whole world, were to form the model of perfection. The American War of Independence and the sympathy therein of the French nobility confirmed and crowned their cherished illusion, that the happiness of a nation was established the moment that nation had given to itself on paper a constitution full of high-sounding principles. They saw in the young Republic the realisation of the theories of French writers, and demanded with all the greater eagerness that those theories should be applied to France. In an ancient society, disordered by the inveterate abuses of centuries, they imagined they could pre-suppose every conceivable civil virtue which rhetorical descriptions pretended to have flourished in republics of antiquity. They entirely forgot that nothing but the combination of exceptionally favourable elements, not one of which France possessed —namely, an active religious life, puritanical discipline, self-government even to the extent of practical independence, the guidance of eminent statesmen—had been able to make the experiment succeed on the soil of the New World.

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[1] Pressensé, 'L'Église et la Révolution Française': Paris, 1863. L. Sciout, 'Histoire de la Constitution Civile du Clergé,' 1790–1801. 'L'Église et l'Assemblée Constituante,' 2 vols.: Paris, 1872—a very instructive book, but partial as regards the old clergy. Haussonville, 'L'Église Romaine et le premier Empire,' 5 vols.: Paris, 1869.

The mere destruction of the old State-system the Ideologists of the Constituent Assembly were well able to achieve; for that system was rotten to its very foundations, and they fought for their doctrines as articles of faith with a fanaticism that scrupled not to trample down every vestige of resistance by force. But their Utopian card-house of 'la royauté sur la surface égale' collapsed the moment it was finished. The ideal Republic of the Girondists fared no better; and after the Reign of Terror had swept clean away everything that seemed hostile to the new order of things, the country fell an easy prey to the Dictator, who delivered it from its miserable tyrants.

We have here only to trace the effect of that tyranny on the relations of Church and State; and to show how impossible it was, during such convulsions of society, for the two powers to co-operate with real freedom and success.

Toleration edict of Assembly of Notables.

In the Assembly of Notables in 1787 the Edict of Toleration was passed, which, on the initiative of Lafayette, recognised the fruitlessness of religious persecution, and accorded to the Protestants a civil *status* more from necessity than from any feelings of justice or sympathy. Non-Catholics were allowed the right to live in France, and to carry on their trades and occupations without molestation on account of creed. Civil marriages were permitted, as also the registration of births and burials. The question was not one of freedom of worship; on the contrary, Article I. expressly declared, 'La religion Catholique, apostolique, et Romaine continuera de jouir seule dans notre royaume du culte publique.'[1]

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[1] It is very remarkable that the number of Protestants at that time in spite of persecution and emigration had remained equal to that in 1685.

The States-General. Cahiers of the Clergy and Third Estate.

At the Convocation of the States-General (May 5, 1789) the clergy gave to their deputies very liberal instructions on all subjects not affecting their own privileges. They demanded the removal of political abuses, the suppression of feudal servitude, guarantees of personal freedom, the destruction of State prisons, the abolition of all exceptional tribunals, the admission of all citizens to every employment, the publicity of debate, the irremovability of all the judges, a system of recruitment less oppressive and humiliating for the people, the remission of inland customs (*douanes intérieures*), the multiplication of private schools, and for the nation collectively, annual meetings of the States-General, who were to have the right of assenting to all laws, particularly those relating to taxation.[1] But this spirit of liberality ceased directly the Church herself came in question. Not a word was said of liberty of conscience. Catholicism was to remain the sole religion of the State, and control the conduct of education : the Orders were to be reformed, but not abolished. Of a different tenor, indeed, were the *Cahiers* of the Third Estate. Those of the Paris deputies recognised Catholicism as the dominant religion in France, but demanded universal toleration, the abolition of sinecures, the prohibition of monastic vows and payments to Rome, the abridgment of clerical jurisdiction in spiritual matters.

With opinions so different, a conflict was plainly inevitable ; and in that conflict the clergy were placed at once at a disadvantage. By the union of the three Estates they lost the advantages of a separate position, and had to confront a majority in the National Assembly, who pronounced on matters directly involving

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[1] 'Hist. Parl.,' i. 323, 327. Tocqueville's 'L'Ancien Régime et la Révolution,' p. 191.

National Assembly sitting of August 4, 1789.

their interests, and regarded them with disfavour, as the greatest power, both socially and politically, of that *ancien régime* which they were endeavouring to abolish. In vain did the clergy strive to conciliate that majority, at the famous sitting of August 4, by voluntarily offering the greatest sacrifices. Immediately afterwards began the struggle for the property of the Church. In vain did the Abbé Sièyes protest against the measure for suppressing the tithes. 'You yourselves,' he said, 'have declared the tithes redeemable. By so doing you have recognised their legality, and cannot now suppress them. The tithe does not belong to the owner of the soil. . . . If you abolish them, you make a gratuitous and uncalled-for present of 70 millions of *rente* to the proprietors of encumbered estates, who do nothing, while you ruin the true proprietor, who instructs the people in return for that share of its fruits.'[1] He could not prevail against Mirabeau's sophism, that the clergy are the 'officers of morality and education, paid by the nation,' and entitled as such merely to a salary, commensurate with the dignity and importance of their office.

Suppression of tithes.

The estates of the Church had to follow the tithes. Talleyrand, Bishop of Autun, proposed to saddle them with a loan of 80 millions for the payment of the public debt. Mirabeau followed with a proposal to declare them national property, with the stipulation that the nation should provide for the maintenance of the clergy. Barnave went the length of asserting that, as the clergy existed only for the people, the latter had the right to abolish them if they pleased, and consequently all the more to dispose of their estates.[2] This theory was combated by the orators of the Right, Maury, Montesquiou, and Camus, who not only endeavoured to prove the destructive character of the proposal, but asserted that, as the law had not created the clergy, neither could the law remove them. Their estates had been granted to them alone, not to the nation, nor with its co-operation: the nation therefore had no right to the property of the Church. This was over-shooting the mark, and the observation of the Bishop of Nismes, that though great reforms were needed with regard to those estates, those reforms must be carried out in conformity with the canon law, only served to make the matter worse. To put off all improvement, in the vague hope of canonical reform, after centuries of mismanagement, and at the very moment when financial resources were most urgently required, was to offer stones instead of bread.

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[1] 'Hist. Parl.,' ii. 255, 257.

[2] *Ibid.* iii. 151 *sqq.*

Confiscation of Church property.

If a constitutional Government was to be established in France, then a corporation so privileged as the French Church could not claim to remain an inviolable *imperium in imperio.* The immoderate accumulation of property in mortmain had at all times rendered necessary the intervention of the Government. Even in France, the absolute monarchy had repeatedly interfered. As late as 1749 an edict had restrained the clergy from acquiring further property without special license of the Crown, and then only on payment of a considerable fine. If, as was undoubtedly the case, the revenues of Church property far exceeded the real wants of the Catholic worship, then the State was unquestionably entitled to intervene, and appropriate the surplus; all the more so, since not only did the sinecures of the *Abbayes commendataires* still belong by right to the Crown, but the latter had made liberal donations to the Church out of its royal domains. Hence it would certainly have been politic, if the clergy had taken the initiative, and placed their superfluous revenues at the disposal of the State. Whether, indeed, such a step would have disarmed the majority of the

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Assembly, is, no doubt, extremely questionable; for very few regarded the confiscation of Church property merely as a means to relieve a temporary financial pressure. Even after the tithes had been suppressed without equivalent, it was still very doubtful whether, after paying the clergy out of the national exchequer, much would remain of the spoils; for it was generally admitted that the condition of the inferior clergy must be improved. The majority wished to destroy the clergy as an estate, because they refused to tolerate, within the State of Reason which the Theoreticians sought to establish, any independent power, born hostile, in their opinion, to the new order of things. 'Si le clergé,' exclaimed Chapelier, 'conserve ses biens, l'ordre du clergé n'est pas encore détruit; vous consacrez son indépendance;' and Garat affirmed, with a presentiment of the Convention, that the State was so absolutely supreme in matters of faith that it had the right to abolish the Christian religion, if it could find a better one in its stead. The ground taken just then was Rousseau's Law of Nature and Omnipotence of the State. The property of the Church was to be confiscated, because the clergy were to be paid—in other words, to remain subordinate officials. Mirabeau likewise having lent the authority of his name and the brilliancy of his eloquence to this false theory, it was resolved on the 2nd of November, 1st. That all ecclesiastical property is at the disposal of the nation, subject to a suitable provision for the expenses of public worship, for the maintenance of the clergy, and the support of the poor. 2nd. That in providing for the maintenance of the clergy, not less than twelve hundred livres (48*l.*) per annum shall be assigned to every rector, exclusive of the glebe-house and garden.

Such being the temper of the Assembly, it was the more impossible that the property of the religious houses should be retained, more especially as the notorious

Measures against Monastic Orders.

degeneracy and abuses of the religious Orders had long ago become the theme of ridicule and indignation. But here likewise the boundaries of justice were overstepped. Montesquiou throughout had put the question on the proper footing, by declaring that the State had no more right to annul the vows a monk had taken to the Church, than the Church to claim the support of the State for their due observation. They might decree, therefore, that the State should not recognise monastic vows, that the Church should decide merely upon their spiritual obligation, and that all members of the different Orders should be allowed, at option, to remain in the religious houses or to leave them. But a reform of this kind did not satisfy the majority. They were bent on abolishing all existing Orders, and prohibiting the establishment of new ones. The members of those hitherto existing were to be pensioned, if they demanded it: those Orders alone should be spared in future which were devoted to education and the nursing of the sick.

Declaration of the Rights of Man, Aug 18.

Within the idea that suggested these resolutions lay the germ of all subsequent errors; and that idea further explains why this Assembly, with all its specious professions of liberality, introduced no real religious liberty at all. In that figment of shallow philosophy, the so-called Declaration of the Rights of Man, it is merely recited in Article X., ‘Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par le loi.’ In that misty declaration, and in the words ‘*même religieuses*,’ which represent liberty of religious belief as the greatest possible concession, are still seen the traces of the struggles which it had cost in the Assembly to achieve merely the degree of general toleration. In vain did Mirabeau summon all his eloquence, both of tongue and pen, on behalf of genuine freedom of worship, and showed how criminal and impotent is every attempt to prevent mankind from worshipping God in the manner that appears to them the true one. In vain did Rabaud de St. Étienne, the champion of the Huguenot Church, crushed by the intolerance of the clergy, plead in moving terms on behalf of his co-religionists, and even of the Jews, for universal liberty of faith.[1] Only with much trouble did he succeed in procuring the rejection of the original draft, which spoke of an existing worship, as one that could only be Catholic. On the other hand, the *Amendement Castellane* was likewise rejected, which provided that 'Nul homme ne doit être inquiété pour ses opinions religieuses, *ni troublé dans l'exercice de son culte.*' Its defeat was due to the joint efforts of the clergy and the disciples of Rousseau, who refused to surrender the intervention of the State in public worship; and the above vague resolution was adopted, because each party interpreted it in a different sense. The result, nevertheless, was undoubtedly a prodigious stride. On the 24th December all non-Catholics were declared eligible to all civil and military offices. On the 24th February, 1790, a decree restored to the descendants of the exiled Huguenots their civil rights and their confiscated property, 'pour empêcher le despotisme de Louis XIV. mort de peser sur leur postérité.' Finally, also, civil equality was extended to the Jews. The Right, who were powerless to prevent these resolutions, made their position only worse by an incautious step, into which their religious intolerance seduced them. On resuming the debate on the property of the Church, the Democratic Carthusian Friar Dom Gerle moved, on the 12th April, 1790, to declare, that 'the Catholic, Apostolic, and Roman religion is, and shall always remain, the religion of the State; that no other form of worship shall be authorised.' This motion, he said, would stop the mouths of those who calumniated the Assembly by saying that it was averse to all religion, and would tranquillise those who feared that it would not tolerate all religions in France.[1] The Right greeted this motion with a storm of applause, but they could not effect its immediate adoption. In their fatal blindness they now resolved, after the adjournment of the debate had been agreed on, to muster all their forces in support of this proposal, to go eventually with a protest to the King, and to appeal to the people, with the cry that religion was in danger. This foolish enterprise had the opposite result. The clubs of the Left and the Paris press denounced the new plot of the aristocrats; and tremendous excitement ensued. After a stormy debate, on the following day, Menou proposed to pass to the order of the day. Dom Gerle was persuaded to withdraw his motion, and the Assembly finally adopted the motion of the Duke de la Rochefoucault, 'that the Assembly had not, nor could have, any power over the consciences and religious convictions of men; that the majesty of religion, and the profound reverence due thereto, did not allow its becoming the subject of debate; that the devotion of the Assembly for the Catholic, Apostolic, Roman religion could not be open to doubt, since just previously its exclusive worship had received the first place in the public expenditure; by which act the Assembly had unanimously declared their respect in the only manner that became their character; and that accordingly it was resolved that they could not discuss the motion which was submitted to them.'[2] Forcibly did Mirabeau observe on this occasion, that religion was no more purely national than conscience; that the essence of Christianity excluded all local legislation; that God had not made this torch to give form and colour to the organ-

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[1] 'Hist. Parl.,' ii. 327, 338.

Catholicism rejected as the State religion, April 13, 1790.

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[1] 'Moniteur,' April 13, 1790.

[2] Buchez, 'Hist. Parlementaire,' iii. p. 60.

isation of society, but had placed it in the midst of the world to serve as the centre of unity to the whole human race. One might as well declare that the sun was a national French constellation, which recognised none other, before the law, for regulating night and day. The ill-advised zeal of the Right, who hoped to find in the motion of Dom Gerle a starting-point for a counter-revolution, turned against its promoters. By straining their utmost to gain the victory, they disclosed their secret designs. Estourmel, the deputy for Cambrai, appealed to the oath which Louis XIV. had taken there, to maintain the Catholic religion, without tolerating non-Catholic worship. Mirabeau answered by pointing from the tribune to the window from which a French monarch had shot at his subjects.

Civil provision for the Church.

The next day (April 14) it was resolved, that the assemblies of the departments and districts should undertake the administration of the property of the Church; that in the statement of the public charges for each year, there should be brought to account a sum sufficient for defraying the expenses of the Catholic religion, the support of the ministers at the altars, the relief of the poor, and the pensions to ecclesiastics, both secular and regular. Both parties took their stand upon a false ground. The minority, who wanted a State religion, could not logically refuse the State salaries. The majority, who rejected a State religion, declined to justify the ecclesiastical State-budget as an annuity, to be given in compensation for the confiscation of Church property; for in that case it would have been far more regular to leave with the clergy the property itself, the income of which answered to such annuity. They based their policy on the ground that religious worship was a general want, and must therefore be maintained by the State just like the army and the judicial establishment. The necessary consequence of this parallel, however, was a civil constitution of the clergy; for if ecclesiastics were simple officers of State, as such they must also be treated.

Jansenist reformers.

The soul of the struggle now commenced lay, curiously enough, in the Jansenistic section, which played a prominent part on the *Comité Ecclésiastique.* The Jansenists were comparatively few in number, but they were powerful in the parliaments and well-organised. The type, moreover, had been considerably changed under the influence of the new philosophy,[1] and, like the disciples of Rousseau, the persecuted now became persecutors. Their representatives sought to make use of this opportunity, in order to liberate the French Church from the intolerance of the clergy, which had brought about the bull *Unigenitus* against Port Royal; and this object was to be effected by a thorough re-constitution of the Church. The scheme which Martineau proposed, had for its aim the distribution of the dioceses on the basis of a new political division of the country. Every department was to form a bishopric, all other sees being abolished. The archiepiscopal sees were to be reduced to ten; each bishopric was to have only one seminary; each diocese was to number at least 6,000 souls. No French church, no French citizen, was to recognise the authority of a bishop or archbishop residing out of France, nor that of their delegates. The jurisdiction of the bishops was to be exercised concurrently with an ecclesiastical council, attached to the see. The bishops and rectors were to be chosen by the general vote of the electoral assemblies, which determined the administration of the department and district. It is clear that this was no civil constitution at all, but that it decided many spiritual questions. An ecclesiastical constitution

Civil constitution of the Clergy, June, 1790.

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[1] Pressensé, who is very favourable to the Jansenists, says, 'Il y a quelque chose de plus triste que la destruction de Port Royal; c'est la décadence morale du Jansenisme. Cette grande école, qui a donné à la France St. Cyran et Pascal, est vraiment tombée en enfance.' P. 13.

forms part of the Catholic dogma, and a secular law, which provides for the civil appointment of ecclesiastics, their residence, and so forth, denies the spiritual character of the Church, and overthrows her entire constitution. Her connection with the pope was thus severed, for Rome was debarred from the exercise of all rights in the French Church, including, therefore, the canonical institution of the bishops. The latter were changed into constitutional rulers, dependent on their ecclesiastical councils, and subject to election by political assemblies, in which non-Catholics also had a voice.

Thus were the principles of the omnipotence of the State transferred to those of democracy. As those principles had been applied by Louis XIV. in the spirit of intolerance, when he declared that the Protestants were disturbing the unity of the kingdom ; as the territorialism of Joseph II. had sought to reform the Church according to ideas of enlightenment, so now the disciples of the Genevan philosopher would have no independent church, co-existing with the State, but aimed, in the words of their master, at 'bringing back everything to that political unity, without which no state and government are ever well regulated.'[1] Conformably therewith, Robespierre (November 30, 1790) formulated roughly the relations of Church and State as follows : 'The priests are real officials : no public office must exist which is not useful. Since the functionaries of the Church are appointed for the welfare of the people, the people must elect them and fix the amount of their salary, and must have the right to marry them, in order to connect them by every tie with

Robespierre's theory of Church and State.

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[1] 'Contrat Social,' iv. c. 8. 'On y voit (dans la révolution) l'indifférence religieuse aboutir au fanatisme avec une rapidité singulière, et la révolution manquer à toutes les promesses. Les mots de tolérance, liberté religieuse sont constamment répétés, et en revanche les consciences sont constamment opprimées.' (Sciout, i. p. 4.)

society.'[1] In vain did the Right contest these views with the argument, that the Assembly was not entitled to constitute itself a Council of the Church; that such proposals would destroy the whole principle of the separation of the civil and ecclesiastical spheres: that if the election of ministers had been customary in the ancient Church, such election had been conducted not by an indiscriminate multitude, but by the community of the faithful. The current was irresistible. Camus openly declared that the Assembly, as the representative body of the nation, had an indisputable right to change the national religion. On the 17th of June the scheme, in its entirety, was adopted; and a retrospective authority was even affixed to it, so far as regarded the fixing of clerical salaries. The sole condition attached to the right of election was the preliminary attendance at mass.

Mirabeau endeavoured, in a brilliant address, to prove to the nation the acceptability of this Constitution. The exordium, in which he defends the rejection of a State-religion, is excellent: the conclusion, that the 'National Power,' when once it has undertaken the maintenance of religion, has the right also to regulate the religious constitution and worship, is thoroughly sophistical; for by that ambiguous expression '*puissance nationale*' was intended, not the community of believers, but the State. A law which encroached so unjustly upon purely ecclesiastical territory, naturally excited the resistance, not only of the clergy, but of the Catholic laity. Although the latter welcomed the abolition of tithes as readily as the overthrow of all feudal oppression, yet for all this they held fast to the faith of their forefathers, and refused to let that faith be reformed from Paris. 'It was evident from these resolutions,' says Sybel, 'that the National Assembly had abandoned the position, which maintained that their authority, supported by the demands of the age and the nation, was inviolable. It could have destroyed the clergy, as the first estate of feudalism, without the resistance of the latter manifesting anything but the weakness of the vanquished. But the clergy, as the representatives of a faith deeply rooted in the people, had scarcely felt its hand, when all at once, at a hundred points of the kingdom, civil war was declared.'[1]

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[1] His deductions from his principle of a voluntary Church, based on motives of utility, were summarised in a speech as follows:—'1. Toutes les fonctions publiques sont d'institution sociale : elles ont pour but, l'ordre et le bonheur de la société; il s'ensuit qu'il ne peut exister dans la société aucune fonction qui ne soit utile. Devant cette maxime disparaissaient les benefices et les établissements sans objet, les cathedrales, les collegiates, les curés, et tous les archevêques que ne demandent pas les besoins publics. 2. Les officiers ecclesiastiques étant institués pour le bonheur des hommes et pour le bien du peuple, il s'ensuit que le peuple doit les nommer. Il est de principe qu'il doit conserver tous les droits qu'il peut exercer : or le peuple peut élire ses pasteurs comme les magistrats et autres officiers publics. 3. Les officiers publics étant établis pour le bien de la société, il s'ensuit que la mésure de leur traitement doit être subordonnée à l'interêt et à l'utilité générale—et non au desir de gratifier et d'enricher ceux qui doivent exercer ces fonctions. (Hist. Parlem., vi. 31, 32.)

Conflict between the Church and the Assembly.

For the Revolution had been prepared a domestic enemy, invisible and unassailable, which was more terrible than the united armies of Europe; for the road was entered, on which one reprisal led to another. Disturbances arose in Alsatia, Brittany, and particularly in the South, where fanaticism turned its fury against the Protestants. Threatening manifestoes demanded the re-establishment of Catholicism as the religion of the State. The bishops in their pastoral letters denounced the measures of the Assembly, as being planned to undermine all religion. The whole opposition of the 'ancien régime' centred its energies on this point, in order to stir up the masses to revolt. The foolish conduct of the Pope made the situation still worse. On March 7, 1790, Pius VI., in a secret Consistory, had violently attacked the National Assembly, for having granted liberty of conscience, and admitted non-Catholics to public offices. He condemned the restriction of the royal power as an unworthy act of violence, which prevented the Most Christian King from defending the rights of the Church. This censure was repeated in a Brief of the 10th March to the French bishops. Liberty of conscience, of speech, and of the press was denounced as monstrous : and just as the Archbishop of Sens, later on, was blamed for having revived, as minister of the Crown, the 'pernicious Edict of Nantes,' so the court of Rome now identified itself with the worst features of the old *régime.* Louis XVI., in his helplessness, entreated the Pope to authorise him to assent to the civil constitution of the Church. But on this point Pius VI. refused all concession; and no sooner had the King given his sanction, than he published a violent protest, forbidding all bishops to comply with the law.

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[1] Sciout makes a similar observation, and shows that the confiscation of ecclesiastical property has never produced a schism: 'L'Assemblée Constituante, après avoir détruit le clergé comme ordre politique, après l'avoir spolié de ses propriétés, pouvait très bien s'arrêter là, comme l'Espagne, l'Italie ont fait plus récemment.' P. 30. This would the more have been the case, as the 'bas clergé' were heartily glad of the humiliation of the 'haut clergé,' under whose pressure they winced, and they were scarcely touched by the confiscation of Church property.

New ecclesiastical oath, Nov. 27, 1790.

The National Assembly met this new movement, which was daily assuming more menacing proportions, by imposing on all ecclesiastics an oath 'to maintain, with all their power, the civil constitution;' refusal to swear being made to involve the loss not only of spiritual office, but of civil rights. The Assembly demanded that its ecclesiastical members should take the oath immediately. Almost all of any standing refused; whereupon a new decree enacted that, after the expiration of a given time, Jan. 28, 1791.

the electors should proceed to nominate the successors of the non-juring ecclesiastics. In vain did Maury advise them, 'Prenez y garde; il n'est pas bon de faire des martyrs.' In vain did Cazalès depict the disastrous consequences of these impolitic acts of tyranny, the first step on the path of persecution, and warn them that the resistance those measures must provoke would not be crushed by the mere ejection of the bishops and *curés*. 'A schism,' he said, 'will be introduced. You will see the Catholics, throughout the country, following their beloved pastors amidst forests and caverns, to receive from their hands the consolations of religion. You will see them reduced to the misery and desolation which the Protestant clergy experienced on the revocation of the Edict of Nantes.' How speedily was the truth of these predictions fulfilled! The very next result was an open rupture with the Pope. On April 13, Pius declared, in a letter to the French Church, that no true believer could doubt that this new civil constitution of the clergy rested on heretical principles. All ecclesiastics who had taken the oath, were required to recant within forty days, under pain of suspension; the election of the new bishops was declared sacrilegious, and all ecclesiastical rights were denied them.

Its disastrous consequences.

The schism was thus complete. There were now in France an old persecuted, and a new constitutional Church. Four bishops only took the oath: those newly elected were mostly of the lower clergy, who were unable to procure authority or respect,[1] and soon incurred the hatred of the refractory priests, by their acquiescence in measures of coercion. The ridiculous farce of the interment of Voltaire's remains, with heathen pomp, in the Pantheon, gave a fresh shock, as was natural, to religious feeling. The battle now began on both sides. Article X. of the 'Rights of Man' guaranteed that no one should be hindered from declaring his religious convictions; but the mob prevented the King from celebrating his Easter devotions at St. Cloud, for the *premier fonctionnaire public* should not venture to hold any intercourse with non-juring priests. It was allowed, under certain rules, to hire buildings for any form of worship; but when several citizens had hired the church of the Theatins for the performance of divine worship by deposed ecclesiastics, and placed over the door, with the consent of the authorities, the inscription, 'Édifice consacré au culte religieux par une société particulière,' a rabble collected in front of the church, and forbade any one to enter.[1] When the question came before the National Assembly, Talleyrand, who himself had voted for the civil constitution, defended with brilliant eloquence the freedom of worship, without which freedom of conscience was an empty word. The law merely declared that a priest who refused to take the oath should lose his salary, not that he should be debarred from performing spiritual functions. He had, therefore, as much right to celebrate private worship as the Protestants and other dissenting sects, who were left entirely unmolested. Sièyes supported Talleyrand in an admirable speech, and lashed, in terms of the utmost severity, the intolerance of the mob, who, he hoped, would no longer be called the 'people.' Such was the impression produced by these two speeches, that the Assembly declared it consistent with the religious liberty, mentioned in the 'Rights of Man,' that non-compliance with the oath should not hinder any priest in the celebration of the mass; and that

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[1] Gobel, the new Archbishop of Paris, eulogised the domestic virtues of Mirabeau at his death, and called him the Father of the new Church!

Religious disorders.

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[1] 'La majorité Catholique était expulsée de ses temples et opprimée par une Église d'État que la minorité voulait lui imposer à toute force.' (Sciout, p. 6.)

buildings dedicated to a particular worship should only be closed when language was held therein against the constitution of the kingdom and of the clergy. In defiance, however, of this resolution, the Theatin church was stormed by the multitude; women who attended mass, administered by non-juring priests, were ill-treated; the municipal power looked on in silence: the Declaration of Rights consisted only of abstract principles, which were powerless when opposed to the passions of the populace.

On the other side, the alliance between the anti-Revolutionists and the non-juring priests was daily assuming more importance. The emigrant nobility stirred up war against France; and it was clear that these priests were their best allies, who had the large majority of the rural population on their side. Moreover the priests who had taken the oath were a small minority, and the peasants were indignant that all the parish churches should be given up to those whom they looked upon as heretics. Their petitions, to have those priests left to them in whom they had confidence, were disregarded by the Legislative Assembly, which had now taken the place of the Constituent Assembly. The civil oath was imposed upon all ecclesiastics without distinction, and made the condition of allowing private worship. Those who refused the oath were declared to have forfeited their pensions; the clergy were made responsible for any disturbances that might break out in the communes.[1] The veto of the King to these decrees, and the

Decrees of the Legislative Assembly, Nov. 1791.

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[1] 'Pour briser les résistances qu'ils n'ont pas su prévoir, ces inventeurs d'un culte, auquel ils ne croient pas, bien avant la période de la Terreur, font régner une terreur véritable restreinte au clergé et aux Catholiques, sous les yeux et souvent même avec la complicité de révolutionnaires très modérés en politique. Dans leur folle imprévoyance Constituants et Girondins font outrager et persécuter le prêtre et le croyant par des hommes dont ils se croient les maîtres, mais qui vont

protests of the Ecclesiastical directory at Paris, served only to provoke the Girondists still more. They began to cast the non-juring priests into prison without trial or sentence, and punished those who had heard mass from them. The rabble stormed churches and convents, and ill-treated their inmates. Legendre already, in the club of the Jacobins, threatened them with the scaffold and the hulks. Merlin proposed, amid cheers from the Assembly, to pack all refractory priests on board ship, and send them to America; and deportation was actually resolved upon in the case of unanimous impeachment by twenty citizens; for as the reporter said, 'Nous sommes arrivés au point où il faut que l'État soit écrasé par cette faction ou que cette faction soit écrasée par l'État.' But in spite of the terrible persecution which now commenced, the priests remained firm. Many of those who had taken the oath resigned their benefices, because their consciences revolted against the measures decreed; those who, to save themselves, swam with the stream, like the miserable Gobel, incurred universal contempt. The Vendée rose: civil war became general: the Government, which had now passed from the hands of the Gironde into those of the Mountain, could not, in spite of all the bloodshed, prevent the continuance, side by side with the constitutional Church, of the ancient Church of France, which was governed, according to canonical law, partly by the old

bientôt se retourner contre eux et les traiter absolument comme les Catholiques. La persécution réligieux n'a pas été un incident de la Terreur, comme trop de gens se l'imaginent encore. Si la France a subi de 1792 à 1794 le joug le plus cruel et le plus honteux, la constitution civile du clergé y a largement contribué, car les luttes religieuses, les mesures de persécution qui occupèrent les années 1790 et 1791 avaient opéré dans le pays une véritable désorganisation sociale. En voulant établir une nouvelle Eglise officielle, la Constituante avait atteint tout le monde et porté la division jusque dans les hameaux les plus retirés.' (Sciout, pp. 4, 5.)

bishops from abroad, partly by secret authority conferred by the Pope.[1]

Persecutions of clergy by the Convention, Sept. 1792–Oct. 1794,

With the Convention, all government by law was at an end. The tribunal of the Revolution persecuted, not only the actions, but even the opinions of their opponents, with all the means employed by the Inquisition. Nevertheless, the men of vicious daring, who consigned the ideologists of the Gironde to the scaffold, and meant to exterminate, by the Reign of Terror, all that belonged to ancient France, were too practical not to see that the Catholic Church could never be suppressed by so artificial a creation as the Constitutional Church. As genuine disciples of Rousseau, they rejected the separation of Church and State, first proposed by André Chenier in the Legislative Assembly, as a measure highly dangerous for the State, for such a separation, as Robespierre said, would only increase the power of the priests. Their object rather was to break with Christianity altogether. While the blood of the clergy was flowing in torrents, the Constitutional Church, the Christian calendar, the names of the months, the divisions of weeks, were all abolished. Divine service was interdicted; the churches were closed and confiscated as national property; the worship of *l'Être Suprême* was raised into a law of the State; the religion of force of the 'Contrat Social' was made a reality.[2] This result had developed itself, as an inexorable consequence, from the old French doctrine, that the State was the ruler of religion and of the Church. The civil constitution of the clergy was Gallicanism, pushed to its extreme consequences. Just as the Revolution merely put the finishing touch to centralisation in politics, so it carried the principle of intolerance under Louis XIV. to the pitch of terrorism and absurdity.

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[1] A large number of the clergy (about 8,000) fled to England, where the Parliament voted for each bishop a subvention of 121*l*., and for each priest 40*l*. By a subscription set on foot by Burke, upwards of 200,000*l*. was collected for them. The Government placed the 'King's House' at Winchester at their disposal, where 300 priests led a life in common.

[2] 'L'Église constitutionnelle a été détruite comme institution d'État; une partie de ses évêques et de ses prêtres, sans attendre un ordre formel du pouvoir, l'a renié avec tout le Christianisme.' (Sciout, p. 12.)

and the Directory.

The Directory pursued the same policy. Its instructions to its commissioners in the departments, with regard to the priests, ran as follow:—'Wear out their patience; hem them in on all sides with a network of surveillance, that shall disquiet them by day, and disturb them by night; allow them not a moment's rest.' Thus those priests who had still remained in France found themselves obliged once more to take refuge in concealment. The Directory imposed upon them a new oath, that of hatred to royalty, and did not shrink from deporting as many priests as they thought fit—a privilege of which they made abundant use.[1] Cayenne now became a place for deportation, and its unhealthy soil proved the grave of most of the exiles. When the route thither no longer appeared sufficiently secure, they were taken to the Isle of Rhé, where no less than 1,200 were herded together. The persecution of all Catholicism went so far, that those were punished who refused to work on Sundays, and the sale of fish on Fridays was prohibited.

This impotent government, however, could not long maintain such a state of things, nor prevent the renewed appearance and vitality of religious worship. Notwithstanding the resistance of the Jacobins, the law of July 21, 1796, was passed, which gave freedom of worship to all religions, in their character as private associations. They still remained, it is true, under the restriction and

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[1] 'Il se donna le droit de déporter sans jugement tous les prêtres qui troubleraient la tranquillité publique, c'est à dire qui exerceraient le culte Catholique.' (Sciout, pp. 14, 15.)

Freedom of worship enacted, July 21, 1796.

surveillance of the police; they were not allowed to celebrate their service in public, nor to be paid by the congregations, nor secured by endowments or foundations; but the obnoxious oath was no longer demanded. Persecution ceased: even the churches, not yet alienated, were restored for divine service; and with this grant of liberty, imperfect as it was, the France of the eighteenth century witnessed a perfect religious regeneration. The churches were filled to overflowing; the society of the Theophilanthropists, whose form of worship the Committee of Public Safety had vainly attempted to establish, by the 'Festival of the Supreme Being,' and who endeavoured to uphold the religion of Reason, sank into decrepitude and ridicule, as will always be the case with every attempt to construct a religion without revelation. The Constitutional Church, by ceasing to be a Church of compulsion, lost the odium which had previously attached to her. She gave herself a synodal constitution, and came forth as Catholic in doctrine, as she was strict in morals. But she remained as essentially schismatic as the Church of Utrecht. The enormous majority of the nation still clung fast to the ancient Church of France.

The Directory, forced most reluctantly to make these concessions at home, persecuted with vigour the Romish Church abroad; for, as they wrote to Bonaparte, their General, that Church would always be the irreconcilable enemy of the Republic. They demanded, therefore, from him the destruction of the papal government, 'Soit en mettant Rome sous une autre puissance, soit, ce qui serait mieux encore, en établissant une forme de gouvernement intérieur, qui rendrait méprisable et odieux le joug des prêtres.' But Bonaparte took care not to follow these foolish instructions. Though, personally, devoid of all religious feeling, he knew well how to appreciate the importance of the Church. He adopted towards her a totally different

Bonaparte concludes the Treaty of Tolentino.

position from the other revolutionary generals. He spoke with reverence of the Gospel, and spared the religious feelings of the population. On his own responsibility, he rapidly concluded the Treaty of Tolentino,[1] by which the pope ceded Avignon and the Legations. It was not until during his absence in Egypt that Pius VI. was dragged to Valence on the Rhone, where he died. When the conclave was opened at Venice, after his death, France had lost her Italian conquests to Austria and Russia; and three months of deliberation, the two parties of cardinals still stood face to face, without being able to bring about the election of a new pontiff. Meanwhile, the *coup d'état* of the 18th Brumaire had made Napoleon ruler of France. He declared the Revolution ended; abolished the restrictions on freedom of worship, set at liberty the still imprisoned priests, discontinued the festivals of the Republic, ordered the remains of Pius VI. to be taken to Rome, and pacified the Vendée by measures of conciliation. The two most far-sighted members of the conclave, Maury and Consalvi, perceived the importance of winning the good-will of the First Consul. They succeeded i effecting, to the intense displeasure of Austria, the election of Cardinal Chiaramonte to the Papacy, who, as bishop of Imola, had conciliated the favour of Napoleon during his first campaign;[2] and on July 3, 1800, that cardinal made his entrance into Rome as Pope Pius VII. A few weeks previously the battle of Marengo had annihilated the Austrian rule in Upper Italy. Already, at his entry into

Election of Pius VII.

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[1] The importance in principle of this treaty is so far considerable, as the Pope, although only the trustee of the States of the Church, admitted thereby that he was free to alienate a portion of that territory.

[2] In a sermon he had represented to the French republicans, that virtue was the principle of the republic, and that the Christian religion itself demanded fraternity. They would become good democrats if they were first virtuous and good Christians.—Homélie du Citoyen Cardinal Chiaramonte. *Translated*, Paris, 1814.

Milan, Napoleon had assured the clergy in a speech, that a society without religion was like a ship without a compass, and had promised firmly to protect the Catholic religion, as the only one that gives clear evidence to man of his destination. France, taught by misfortune, had re-established that religion, and he hoped shortly, by an understanding with the new pope, to reconcile his country completely with the head of the Church. The impression created by his words was powerful; and no one ventured to remind him that, only a few years before, in a report to the Directory, he had designated religion as a principle as fully vanquished as feudalism and royalty, and that in Egypt he had professed enthusiasm for the Koran. Napoleon, in fact, saw in religion always and only an instrument of politics.[1] In Italy he spoke as an Italian, and the head of a Catholic nation, just as on the Nile he had played the part of a Mussulman. He knew that a people needed religion; but he wished to utilise it, as far as possible, for his own purposes.' Had he really intended religious liberty, he need only have granted the exercise of public as of private worship, now everywhere re-established. 'Le vœu général de la nation,' says Madame de Staël in her 'Considerations on the French Revolution,' 'se bornait à ce que toute persécution cessât désormais à l'égard des prêtres, et qu'on n'exigeât plus d'eux aucun genre de serment; enfin que l'autorité ne se mêlât en rien des opinions religieuses de personne.' But

Church policy of Bonaparte.

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[1] This view was expressed most nakedly in the following words, spoken in the Council of State: 'Je ne vois pas dans la religion le mystère de l'incarnation, mais le mystère de l'ordre social; elle rattache au ciel une idée d'égalité, qui empêche que le riche ne soit massacré par le pauvre. La religion est encore une sorte d'inoculation ou de vaccine, qui, en satisfaisant notre amour du merveilleux, nous garantit des charlatans et des sorciers: les prêtres valent mieux que les Cagliostro, les Kant, et tous les rêveurs d'Allemagne.' ('Opinions de Napoléon recueillies par un Membre de son Conseil d'Etat': Paris, 1833, p. 228.)

Napoleon rejected this American system, recommended by Lafayette, as an impracticable theory. He desired no independent clergy or confessions, but wished to reorganise the Church on the same footing as the State, and consequently to preserve the unity of belief, so far as circumstances rendered it possible, in order thereby to support his newly-founded throne, which was to unite within itself all that sways the minds of men. He had already considered whether he should create an independent church under a patriarch; but he found that the pope at Rome was far more convenient, particularly if, as he hoped, he should be able to control and guide him.[1] The universally acknowledged head of Catholicism alone could crush the schism, and destroy the influence of the emigrant bishops.[2] 'Pour cela il me faut le vrai pape, catholique, apostolique, et romain, celui qui siège au Vatican. Avec des armées françaises et des égards, j'en serai toujours suffisamment le maître. Quand je relèverai les autels, quand je protégerai les prêtres, quand je les nourrirai et les traiterai comme les ministres de la religion méritent de l'être en tous pays, il fera ce que je lui demanderai, dans l'intérêt du repos général. Il calmera les esprits, les réunira sous sa main, *et les placera sous la mienne.*'[3] Such were the objects which the Concordat

His support of the pope.

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[1] Portalis states the objections to such a native pope very frankly in his 'Exposé des Motifs' for the Concordat: 'C'eût été un trop grand personnage; s'il est ambitieux, il peut devenir conspirateur, et a le moyen d'agiter les esprits. Les gouvernements des nations Catholiques préfèrent l'autorité d'un chef éloigné dont la voix ne retentit que faiblement, et qui a le plus grand intérêt à conserver des égards et des ménagements pour les puissances dont l'alliance et la protection lui sont nécessaires.'

[2] 'Cinquante évêques, émigrés et soldés par l'Angleterre conduisent aujourd'hui le clergé Français: il faut détruire leur influence. L'autorité du pape est nécessaire pour cela. Il les destitue ou leur fait donner leur démission.' (Thibeaudeau, 'Mémoires sur le Consulat.')

[3] Thiers, 'Consulat,' i. p. 331.

was to realise. The priests, according to Napoleon's intentions, were to be, as Count Miot says, 'des professeurs d'obéissance passive.'[1] It is true, that in the negotiations with Cardinal Consalvi, carried on nominally through his plenipotentiaries, but in reality by himself, he failed to succeed entirely in his designs. His menaces were shipwrecked by the measured firmness of the representative of the Court of Rome, whose vigilance likewise frustrated the unworthy attempt, at the moment of signature, to substitute a secretly garbled text of the Concordat, in which the rejected articles were added to it as if they had been agreed upon.[2] Ultimately, Napoleon was compelled to yield on several points, in order to effect a conclusion, which was of more importance to him than he cared to admit; but he reserved to himself the intention to recover, by a circuitous course, and by his own authority, what the Court of Rome then refused to assent to. Both parties so far agreed, that it was impossible to re-establish the *status quo* before the Revolution. Rome refused formally to recognise the confiscation of Church property, as Napoleon demanded, but promised, in the interests of peace, that the existing possessors should not be disturbed, and accepted the payment of bishops and priests by the State.

Negotiations with Consalvi.

The proclamation of Catholicism as the State religion, which the pope demanded and obtained from Napoleon in the Concordat with the Italian Republic (September 16, 1803),[3] was naturally declined by France, as incompatible with the equality of different worships. They effected so far an agreement, that the government of the French Republic acknowledged the Catholic, Apostolic, Roman religion to be that of 'the great majority of French citizens.' Both parties agreed that the civil constitution of 1791 must be abolished; its synodal element, as well as the principle of episcopal election, ran counter to Roman principles, no less than to the absolutist designs of the First Consul. It was determined, therefore, that the latter, provided he was Catholic, should nominate the bishops, the pope still retaining the power to confer canonical institution; 'suivant les rapports établis par rapport à la France avant le changement du gouvernement.' This ecclesiastical confirmation of a candidate nominated by the civil sovereign—the last relic of the ancient quarrel about investiture—became thus the fulcrum of papal influence over the hierarchy in France. The bishops were to have the appointment of the parish priests, but their choice was only to fall on persons approved by (*agréées*) the government (Art. X.). This last arrangement went back far beyond the former state of things. Before the Revolution there were 26,000 beneficed clergy not liable to dismissal, and 3,000 subject to episcopal appointment. The proportions were now reversed. By the division into cantonal and succursal benefices, only the 3,500 cantonal priests were made exempt from dismissal; the 20,000 succursal incumbents became liable to lose their office at the pleasure of their bishop, and were consequently made dependent upon him. The object of the government was to employ the services of these very bishops, over whom they exercised enormous power, to bridle those priests who leaned to liberalism.

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[1] 'Mémoires,' ii. p. 22.

[2] Compare the remarkable report in Consalvi, 'Mémoires,' i. 309–344.

[3] This Concordat differed further from the French one in this respect, that it marked out the canon law as an auxiliary source of authority or all ecclesiastical matters not expressly mentioned in the articles. No organic articles, moreover, were drawn up for its execution although in Italy Napoleon repeatedly adopted measures in opposition to the Concordat.

With regard to the ecclesiastical division of France, the Vatican acknowledged that the former one could not be re-established. Napoleon, on his part, admitted the impossibility of retaining a bishopric for each department, as the 'civil constitution' had decreed. It was agreed, therefore, that France, including her newly-conquered territories, should be divided into 10 archiepiscopal and 50 episcopal sees, and that the bishops should make a new division of the parishes in their respective dioceses, subject to the ratification of the government. All the metropolitan, cathedral, parochial and other churches, which had not been alienated, and which were necessary to the due performance of Catholic worship, were placed at the disposal of the bishops. The latter were allowed to have a chapter in their cathedral, and a seminary for the diocese, without the State, however, being obliged to endow them. The government further undertook to enable French Catholics, who were so inclined, to dispose of their property for the support of religion (Art. XV.). The oath of the clergy no longer created any difficulty, after the civil constitution was abolished.

Reorganisation of the episcopate.

The two thorniest points were the reorganisation of the episcopate, and the publicity of Catholic worship. Napoleon, who desired to get rid of the old bishops at any price, devoted, as they were, to royalty, demanded that the pope should direct them to resign, and, in the event of their refusal, declare their sees vacant, and confer canonical institution upon bishops appointed by himself. Pius VII., on the contrary, was urgently desirous, from regard to piety, of avoiding such a harsh measure against men who had remained faithful to the Church in her misfortune. But the First Consul remained inexorable. In vain did Consalvi represent to him that the reinstatement of those bishops and the oath that they would have to take, would afford to him a perfect guarantee of their loyalty. In vain even did he direct Napoleon's attention to the fact, that an act, by which a pope, resting on his supreme authority, should dismiss from 90 to 100 bishops without trial or sentence, unless they voluntarily resigned, would give the Vatican a power over the French Church, such as completely to overthrow the much-lauded liberties of Gallicanism.[1] To Napoleon the immediate object was the most pressing, namely, to 'break the last thread which attached the country to the House of Bourbon.' By the deposition of the Royalist clergy, he thought his authority over Rome was sufficiently assured; and he preferred the subjection of the bishops to the pope to their independence. So Consalvi yielded on this point; and accordingly Article III. of the Concordat provided that the pope should declare to the titular French bishops that he expected from them every sacrifice for the sake of peace and unity—*even that of their sees*; and that, should they refuse to make this sacrifice, the sees of the new division should be governed by bishops appointed in manner prescribed—a provision which was strictly enforced.

Publicity of Catholic worship.

On the other hand, the Court of Rome remained firm in its demand for the publicity of the Catholic worship, and refused to accept, on any terms, the elastic clause, 'Son culte sera public, en se conformant toutefois aux réglements de police,' a reservation which would have left everything to the will and pleasure of the government. After a violent struggle Napoleon was forced to assent to this qualifying addition, 'que le gouvernement jugera nécessaires pour la tranquillité publique.' (Article I.)

The Concordat concluded, July 15, 1801.

The last difficulties having been thus removed, the final signature was affixed on July 15, 1801. The Concordat preserved a few of the acquisitions of the Revolution, such as the alienation of Church property, and the continuance of other forms of worship; but it re-established the union of the State and the Catholic Church in a manner that could not fail to provoke new conflicts. Napoleon, in temporarily renouncing what the Vatican could not explicitly concede, as directly contrary to its principles, had never surrendered the hope of obtaining his wish by other means. He had noticed what Consalvi had said to the French negotiators, 'L'Église peut quelquefois, ou par prudence, ou par charité, ou par impuissance, ou par d'autres justes raisons, tolérer *in fatto* la violation de ses lois et de ses droits, mais elle ne peut jamais l'autoriser par une convention;'[1] and he now tried to accomplish *in fatto* his design. Immediately after the conclusion of the Concordat he declared to Consalvi, that he would be forced to select the bishops from among the constitutional as well as from the non-juring clergy. The Cardinal replied with great firmness, that the former would never receive canonical institution from the pope without an explicit revocation of their oath. Napoleon considered this dishonourable to those concerned, and compromising to the government, since its predecessors had always supported the constitutional priests; but Consalvi adhered to his answer. The pope now issued a Brief to the old French bishops, whom he recognised by right as the titular possessors of their sees, and requested them, out of their devotion to the Church, to resign. All responded to this appeal, with the exception of thirteen, who had fled to England, and whose sees were regarded as vacated. Another Brief, addressed to the constitutional bishops, abstained from recognising them in their dignity, but required them to abjure their past errors, to return to the bosom of the Church, and thus put an end to the schism. All, with one solitary exception, resigned their bishoprics. Napoleon, however, was firmly resolved to bestow upon them twelve out of the sixty vacant sees; and he understood how to carry

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[1] Consalvi, 'Mémoires,' i. p. 367.

Constitutional and non-juring bishops.

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[1] 'Mémoires,' i. p. 400.

his purpose into effect by inducing Pius VII. to send Caprara to Paris as Cardinal-Legate, a prelate who already in former times had shown his suppleness and dexterity when dealing with Joseph II. By means of threats and artifices canonical investiture was obtained for the ten constitutional bishops, after they had made a declaration before the Bishop of Orleans, as that prelate assured Caprara, retracting their errors—a statement, however, which the ten bishops, immediately afterwards, positively denied. The pope protested against these proceedings, but failed to obtain the written retractation from these bishops, until he brought his personal influence to bear, on his visit to Paris for the coronation.

The Organic Articles.

Far more important, however, were the 'Organic Articles,' those one-sided regulations which Napoleon had issued, under the pretext of carrying out the provisions of the Concordat.[1] It was said, to be sure, in Article XVI., 'Sa Sainteté reconnaît dans le Premier Consul de la République Française les mêmes droits et prérogatives dont jouissait près d'elle l'ancien Gouvernement.' This assurance, however, was of doubtful elasticity, especially since what the Vatican actually recognised of the Gallican principles had never been precisely defined. Undoubtedly there was much that was good in the regulations which were to carry this article into effect. The equality of all worships [tous les cultes] was explicitly guaranteed, liberty of public worship was secured to Protestants, and Catholic priests were forbidden to assail their religion. In towns where there were churches belonging to other persuasions, no religious ceremony was allowed to take place outside the walls of buildings appropriated to the Catholic worship. There is nothing also to be said against the provision that the civil ceremony of marriage should precede the religious one, against civil registration, or against the abolition of ecclesiastical jurisdiction over everything that concerned purely civil relations. On the other hand, the peculiar organisation of the Church placed her far more in the hands of the government than was the case in the France of former days, where, notwithstanding the great power of the kings, she was always a potent corporation, and comparatively independent, through her large landed possessions and her numerous foundations. State powers over the Church, which had previously only existed in practice, were now regulated and distinctly defined by law. The *Placet* was retained for every missive of the pope, every act of his plenipotentiaries, every decree of councils held outside of France; nor were any councils, nor even diocesan synods, permitted to be held in the country without the express permission of the government. The cases of appeal *ab abusu* to the Council of State were distinctly enumerated, and its authority extended to the ultimate review of all matters of ecclesiastical jurisdiction. All teachers in seminaries were to subscribe to the Gallican Declaration of 1682. The hierarchy was duly regulated: all ecclesiastical establishments, with the exception of cathedral chapters and seminaries, were suppressed: domestic chapels and private oratories were to require the license of the government, to be granted at the request of the bishop of the diocese. The official duties of various priests, their salary, and even their dress, were regulated as exactly as the conditions of their appointment. The boundaries of the dioceses and parishes, the organisation of the seminaries, the festivals of the Church, the order of public prayers, the uniformity of the liturgy which was to prevail throughout France—all these matters are minutely prescribed. It is easy to understand that the pope could not accept these regulations, more especially as they were put forward in pretended execution of the Concordat. He did not venture, indeed, to declare the articles invalid, but he protested against them in his allocution of May 23, 1802.

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[1] See Nap., 'Mélanges,' i. 297 *sqq.*, and Goldsmidt's 'Recueil,' iii.

Regulation of Protestant Churches.

Nor, as may readily be imagined, was any real liberty conceded to the Protestants, and still less to the Jewish worship. The law of the eighteenth Germinal (April 8, 1802) restored, it is true, to the Evangelical Churches a legal *status* and a regulated constitution, but it cramped and curtailed their independence to the utmost. No change could be made in their constitution, no doctrinal decision or formulary of confession could be published without the sanction of the Council of State. None but Frenchmen by birth could officiate as ministers of religion: the government appointed them, and admitted only a right of presentation to the authorities of the Church. The Reformed Church received again her local consistories and synods, but not in any way in the sense of the old Huguenot constitution. The consistory of each Church was composed of the pastor and elders, who were chosen from those citizens of the commune who were the most highly taxed.[1] Its ordinary assemblies were to be held on the days pointed out by long usage; the extraordinary ones were not to be held without the permission of the local authorities. The same rule applied to the meetings of the synods, which were required, moreover, to give previous notice to the Council of State of the subjects proposed for discussion. They could only be held in the presence of the prefect or sub-prefect, and every resolution had to be submitted to the government for ratification. Thus the old autonomy of the Protestant Church was exchanged for the most absolute dependence on Catholic authorities of State. The Lutherans received inspectors, together with general and local consistories, and district synods, like the Reformed. The Jews were required to promise to observe the code of civil morals prescribed by the country of their adoption, and to renounce the ordinances of the Old Testament and the Talmud, wherever they conflicted with that code. They were to regard the French not as aliens, in the sense and spirit of their law, but as fellow-citizens. They were to recognise France as their country, which they were bound to serve and to defend. Beyond these no other Dissenting sects were allowed. The society of the Theophilanthropists, ridiculous enough, of course, but in no sense immoral or politically dangerous, was suppressed. 'Je ne veux pas,' said Bonaparte to the Council of State, 'de religion dominante, ni qu'il s'en établisse de nouvelles.'

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[1] 'Choisis parmi les citoyens les plus imposés au rôle des contributions directes.' Tit. II., art. xviii.

Speech of Portalis, April 5, 1802.

The Concordat, together with the Organic Articles, was submitted for acceptance to the Legislative Body, with a characteristic speech by Portalis, the Minister of Public Worship. After a general introduction on the importance of religion, he dwelt with emphasis on the necessity of healing the existing schism, a measure which could only be effected by an agreement with the pope. That method was preferable to the creation of a national patriarch, or to the union of temporal and spiritual power in the person of the sovereign. The pope, moreover, was no longer to be feared, since his standing army, the monastic orders, had been dissolved. To disturb doctrine and worship was unadvisable, for the question was, how to secure once more the proper respect for religion. The pope also was head of the Church merely in spiritual matters, and was generally subject to a universal council. The independence of the State, and its right to decide in mixed cases in the public interest, was rigidly insisted on. Religious liberty was to remain the fundamental law: Catholicism should be the religion of the vast majority, but was not to be the religion of the State; the rights of the Protestants and the Jews were to continue secured. The Assembly, accordingly, was invited to ratify what was laid before it, and thus 'reconcile heaven, so to speak, with the Revolution,' a summons which was instantly obeyed.

Result of the Concordat.

If it is asked what were the effects of the Concordat, at first everything seemed to confirm Napoleon's earlier language to Bourrienne: 'Vous verrez quel parti je tirerai des prêtres.' The clergy showed themselves a mere band of hirelings; the bishops eulogised, with the most fulsome flattery, the restorer of religion, and cursed the modern Carthage, perfidious Albion. The bulletins of the Grand Army were read from the pulpits. The imperial catechism, which demanded love, esteem, obedience, loyalty, military service, and the payment of taxes to the emperor, was obediently accepted; to honour and to serve him was to honour and to serve God Himself. Every pastoral letter had to be approved by the local prefect; Napoleon ordered those of the archbishop of Paris to be submitted to himself. Those priests who excited his anger by their independent conduct were cast into prison; the bishop of Poitiers was simply ordered to correct the bad spirit prevailing in his diocese. To Pius VII. Napoleon observed a respectful demeanour until he had obtained from him the consecration of the new imperial crown, on which occasion the pope betrayed culpable weakness. Disinclined as he was from the first, immediately after the murder of the duke d'Enghien, to pledge himself for the emperor by such a solemn act, he declared that the formula of the oath which Napoleon had to take rendered his presence impossible, inasmuch as it contained the express obligation to observe the regulations of the Concordat—in other words, the Organic Articles—and to protect freedom of worship. 'La formule,' wrote Consalvi to the legate Caprara, 'est telle qu'un Catholique ne doit pas la prêter et qu'un pape ne saurait l'autoriser par sa présence. *Il est de l'essence de la religion Catholique d'être intolérante.*'[1] Finally, nevertheless, the Vatican was contented with a very vague explanatory note by Talleyrand. The oath was administered in the above formula, and Pius VII., who had now let loose upon his head the indignation of the whole of legitimist Europe,[2] by crowning the Son of the Revolution, and who had premeditated his visit to Paris simply in the hope of extorting concessions in the interests of the Church, perhaps even the restoration of the Legations, was put off with empty promises. Pius had invoked the example of Charlemagne, and pictured to the emperor the glory that would surround him, should he restore to the Holy See the territories torn from her dominion. But he did not anticipate what fatal consequences Napoleon would draw from this parallel. Like the popes of the times of the Carlovingians, he thought to combine the advantages of imperial protection with those of temporal independence. Napoleon, on the contrary, drew from these relations the opposite conclusion of his own supremacy over the States of the Church. 'Your holiness,' he wrote to the pope in 1806, when insisting on the alliance of the Holy See against England and Russia, 'is sovereign of Rome, but I am its emperor.' Against this Pius IX. protested in a spirited reply. 'No emperor,' he said, 'has ever had the least right over Rome. . . . . Charlemagne found Rome in the hands of the popes. He acknowledged and confirmed without reserve their dominion, and augmented it by new donations; but never did he claim to

Bonaparte crowned by Pius VII., Dec. 2, 1804.

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[1] Haussonville, i. p. 308.

[2] De Maistre, the zealous champion of the Papacy, wrote at that time, 'Les forfaits d'un Alexandre VI. sont moins révoltants que cette hideuse apostasie de son faible successeur.'

exercise any supremacy over the popes, even considered as mere temporal princes. From the Holy See he received the title of Defender of the Roman Church, together with the imperial crown.'[1]

Napoleon adhered to his original position, and demanded, in the first place, that the Russians, Swedes, Sardinians, and English should be expelled from the States of the Church, and their ships excluded from their ports; for, as he told the pope, 'all my enemies must be yours.'[2] This demand, however, Pius VII. resolutely refused at first to comply with, for every act of hostility against Russia and England would interrupt or endanger his spiritual relations with the Catholic subjects of those countries. He was weak enough, it is true, after the victories of Napoleon over Prussia and Russia in 1806–7, to declare his readiness to conclude an alliance against the heretics and the English, short only of pledging himself to open war. But Napoleon, who evidently wished for a rupture, suddenly enlarged his demands, required an unconditional offensive and defensive alliance, and on the determined refusal of the pope to accept these terms occupied Ancona and Urbino. Finally, after the rejection of his ultimatum, in which he claimed, among other things, an increased representation of the French cardinalate at the Sacred College, to the extent of one-third of its members, Rome likewise fell. The pope employed the last moments of his liberty to excommunicate the emperor. He was instantly made prisoner (July 6, 1809), and carried first to Grenoble, and then to Savona. The cardinals who had incurred Napoleon's displeasure were banished or 'interned;' and the States of the Church were incorporated with the empire by a *senatus consultum*.[3] In a letter to

He dissolves the pope's temporal sovereignty.

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[1] Haussonville, ii. 101.

[2] *Ibid.*, ii. 146.

[3] The preamble of this decree of May 17, 1809, is very remarkable:—

the bishops, dated July 13, 1809, Napoleon declares to them expressly that Christ, although of the race of David, had not intended any temporal rule, but enjoined, on the contrary, obedience in earthly things to Cæsar. 'Héritier du pouvoir de César, nous sommes résolu à maintenir l'indépendance de notre trône et de nos droits. Nous savons que ceux qui voudraient faire dépendre de l'intérêt d'un temporel périssable l'intérêt éternel des consciences et des affaires spirituelles sont hors de la charité, de l'esprit et de la religion de Celui quit a dit, "Mon empire n'est pas de ce monde."' To his son, accordingly, Napoleon gave the title of king of the Romans at his birth.

Dispute respecting canonical institution.

Cut off from all intercourse with his own people, Pius VII. employed the sole weapon the Concordat had left him against the dictator. He refused canonical institution to the bishops whom Napoleon had nominated, declaring that he could not fill up the vacant sees till he had about him his natural councillors, the members of the Sacred College. The emperor endeavoured to escape from the difficulty by obtaining faculties for the bishops from their chapters as vicars capitular, by which means they assumed practically the administration of their new dioceses. Pius VII. prohibited this proceeding by secret

'Whereas Charlemagne, emperor of the French, and *our august ancestor*, bestowed upon the bishops of Rome divers lands, he granted the same to them as fiefs, and Rome, therefore, *ceased* to form a part of his empire;

'Whereas, since then, the union of the two powers, the spiritual and the temporal, has been and still remains the source of perpetual discord, and the popes have only too often employed the influence of the one to support the pretensions of the other, and for that reason spiritual matters, which from their nature are immutable, are confused with temporal, which vary according to circumstances and the politics of the day;

'Whereas, finally, all that we have proposed for the safety of our armies, the peace and prosperity of our people, and the dignity and inviolability of our empire, has been in vain, it is declared,' &c. &c.

briefs to the chapters. The emperor deprived him of his papers, forbade him to write or receive any letters, and ordered his household to be reduced. But in spite of all this he failed to obtain the necessary institution. Thereupon he repeatedly referred the examination of the question in dispute to an 'ecclesiastical commission' devoted to his interests. That body, however, declined to concur in the emperor's view that the Concordat, as being broken by the pope, no longer possessed any legal validity, but merely proposed an additional article—'that the pope was bound to grant the institution within a certain period, and that, in the contrary event, the necessary authority should pass over to the provincial synod. They recommended further the despatch of a deputation to the pope, to obtain, if possible, the canonical grant, and added that the pope must first refuse to submit, before the time was ripe for convoking a national council. Napoleon followed this advice, with the modification that, simultaneously with the deputation of bishops, he summoned the council at Paris, consisting of the bishops of France, Italy, and the Confederation of the Rhine, in order to exert pressure upon the pope by making him fear lest, if an open rupture occurred, the Assembly might declare for the government. In addition to this, his emissaries, the archbishop of Tours and the bishops of Nantes and Trèves, were commissioned to inform the pope that the emperor considered the Concordat extinct, but that he was ready to adhere to his other arrangements if the pope would grant the institution at once to all the newly-appointed bishops, and promise to grant it in future within three months after nomination, in case no grounds of personal unfitness existed against the nominees; should this be delayed beyond three months, then institution was to be given by the metropolitan, or, if his was the vacant see, by the senior of his suffragans. As the emperor, however, reserved to him-

Negotiations with the pope at Savona.

self the right of deciding whether eventually to recognise such *raisons d'indignité*, the practical result would be to withdraw the institution from the pope. In the event of Pius VII. proving more compliant on this point than hitherto, the three prelates were authorised to sign a separate convention with him regarding his future position. The emperor left him the choice of residence between Rome, Avignon, and Paris. He offered him a civil list of eighty thousand pounds, a lavish endowment of his spiritual government, and freedom of diplomatic intercourse and of communication with other Churches. Should he desire to return to Rome, he would be obliged to take the same oath of fidelity to the emperor as the bishops of France, by which, therefore, he would have to resign his temporal rule and become an imperial patriarch. Should he wish to reside at Avignon, he was to promise only to do nothing contrary to the Gallican articles of 1682, which had been raised into a law of the State by the decree of February 25, 1810. After painful negotiations, which M. Porta, the pope's doctor, who had been bribed by Napoleon, endeavoured to advance by reporting false information, the solitary captive of Savona finally agreed to make the following concessions:—(1) to grant this time to the newly-nominated bishops the institution hitherto refused; (2) to consent to the insertion in the Concordat of a clause providing for institution within six months, and, if delayed beyond that period, authorising the metropolitans to give the Bulls for the emperor's nominees in his name;[1] (3) to discuss the proposals for the position of the Holy See when he should be free and surrounded by his cardinals. He rejected the oath demanded in the event of his return to Rome quite as peremptorily as the explicit recognition of the Declaration of 1682, which his predecessor Alexander VIII. had condemned. He refused, moreover, to sign the memorandum in which the bishops had comprised the result of the negotiations, and retracted it in part immediately after their departure.

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[1] Haussonville, iv. p. 430.

Council at Paris, June 7, 1811.

But if Bonaparte's substantial gains, in this respect, corresponded but little to his wishes, his disillusion was still greater as regarded the Council which was opened on June 17, 1811, under the presidency of his uncle, the Cardinal Fesch. The 'ecclesiastical commission' had already declined simply to assent to the wishes of the emperor; and the superior of St. Sulpice, the abbé Eméry, a zealous Gallican, had remarked against the clause recommended by the majority that it abolished indirectly the papal institution, but that the Church still owed obedience to the pope, even according to the imperial 'Catechism.' The Council itself now, instead of pliantly fulfilling the wishes of the emperor, showed immediately a certain spirit of independence. The bishop of Troyes, while eulogising Bossuet, according to custom, in his sermon preached to the bishops at their first sitting,[1] insisted especially on the necessity of the unity of the Roman Church in the pope. The chair of St. Peter might change its place, but could never be destroyed. The pope might be stripped of his splendour, but never of his power; wherever he was, there also would be the centre of the Apostolic Church. To the question of the president, asking each bishop, according to custom, whether he consented that the Council should be opened, the archbishop of Bordeaux replied, 'Yes, I consent, saving always the obedience due to the sovereign pontiff, which I engage and swear to observe.' Voluntarily the members, one and all, after Cardinal Fesch himself, took the oath prescribed in 1564 by Pius IV. after the Council of Trent: 'I promise and swear true obedience to the Roman pontiff, successor of St. Peter, the prince of the Apostles, and vicar of Jesus Christ upon earth.'

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[1] The full history of this 'National Council' is described in Haussonville, chapters xlviii., xlix., and l.

Napoleon, highly incensed at these proceedings, resolved to show the bishops that he knew how to play the part of a Constantine quite as well as that of a Charlemagne. He issued a decree appointing a 'Bureau' to watch over, with Cardinal Fesch as its president, the proceedings of the Council (*chargé de la police de l'assemblée*). To this bureau he appointed the French and Italian Ministers of Public Worship. The bishops were left to elect three representatives from their members; but their choice fell upon prelates who were far from agreeable to the government. Thereupon a message was read from the emperor, which enumerated all the grievances against the pope, complained of his 'sinistres projets,' and declared in plain terms that his majesty would not allow the pope to exercise any influence, through Apostolic vicars, on the occasion of a bishopric falling vacant; no see was to remain empty longer than three months. The harsh and peremptory tone of this missive produced the worst possible impression. The elections for the commission turned out unfavourably for the government: the bishops who had not yet been instituted were scarcely admitted to a voice in the deliberations. At the debate on the address, in answer to the message, the draft previously prepared by the bishop of Nantes in concert with the emperor was modified by common consent. In the full assembly the bishop of Chambéry moved to demand, in the first place, the liberty of the pope, since the bishops could not deliberate if their head was a prisoner. Loud applause greeted his motion, and only with difficulty did Cardinal Fesch succeed in postponing this question. To the Declaration of 1682 they opposed the Tridentine decrees, by virtue of which, as the archbishop of Bordeaux maintained, the pope had the right to excommunicate princes. The address was carried with difficulty in a very altered form, in which Napoleon refused to receive it.

This commencement augured ill for the settlement of the real point at issue for which the Council had been convened. After long discussion the committee specially appointed by the Council to report on the matter voted that the Council was not competent to settle the question of the institution of bishops. Of its twelve members only the three bishops who had been sent to Savona voted for its competency. To their remonstrance, that the pope himself had recorded his agreement, the leaders of the majority replied that the note presented to him at Savona, not having been signed, had no authentic character. The Council could only determine the question subject to the condition that the holy father should explicitly agree. From this point of view the report of the committee was drawn up; and the majority of the Council expressed themselves in a like sense. The question, however, was never put to the vote; for Napoleon, furious at this rebellious conduct of the bishops, suddenly dissolved the Council, and sent the three leaders of the majority—the bishops of Ghent, Troyes, and Tournai—to the dungeons at Vincennes. Awed by this act of violence, most of the remaining bishops, after a number of their most influential brethren had departed, allowed themselves singly to be persuaded over to vote for the resolutions demanded by the emperor, on condition that the same received the concurrence of the pope; and after a majority had thus been secured, the Council, convened once more as irregularly as it had been broken up, resolved, in accordance with the wishes of the emperor :—(1) that the National Council is, in case of necessity, competent to decree as to the institution of bishops; (2) that should the pope refuse to confirm the decrees which the Council shall make as to the institution of bishops, that will be a case of necessity. A decree was then drawn up, and six docile prelates were sent to Rome to obtain the confirmation of the pope, who knew nothing of all that had passed at the Council. After some hesitation he formally ratified his agreement in a brief of September 11, 1811, addressed to the archbishops and bishops at Paris. But even this did not end the quarrel. Napoleon declined to accept the brief, because the assembly at Paris was not recognised therein as a 'national' council; because the duty of obedience to the pope was emphasised in inadmissible language; because the eventual institution of the bishops by the metropolitans could not be conferred 'by the pope's authority,' as the brief prescribed; and lastly, because it was not expressly stated that the settlement applied to all the sees of the empire, 'of which the Roman States form a part.' By this last grievance Napoleon contradicted his own instructions. He had demanded that the sanction of the pope should extend to the whole of his empire, present and future, but had permitted the exemption of Rome. Now he suddenly required that the protocol should declare 'que le décret s'applique à tous les évêques de l'empire, dont les États de Rome font partie.' But the pope refused any further concessions, and when menaces proved fruitless, Napoleon employed the absurd pretext that the English intended to seize his prisoner at Savona to order his removal to Fontainebleau, with a precipitate haste which exhausted still more the old man, already feeble and infirm. There Pius VII. saw none but the servile tools of the emperor, men like Cardinals Maury

Concordat of Fontainebleau, January 25, 1813.

and Doria, who never wearied of representing to him how disastrous for the Church was the present posture of affairs, and earnestly conjured him to yield. At length, after his Russian campaign, the emperor succeeded by personal solicitation in persuading his sick prisoner to sign a new Concordat, which not only confirmed the former concessions, with regard to institution, but put an end to the temporal rule of the pope. The renunciation of that rule, though not expressly declared, was nevertheless presumed, since Pius VII. accepted Avignon, with a civil list, for his residence.[1] Thus the heir of the Revolution succeeded in accomplishing what no Catholic sovereign had ever aspired to before. The pope consented to become a mere national patriarch, such indeed as the most powerful German emperors had never conceived, for they never questioned the universal character of the primate. Had the Concordat of Fontainebleau been actually carried into operation, the Catholic West of Europe would have sunk into a Cæsaro-papism, such as Napoleon, even at St. Helena, pictured in glowing colours to his imagination.[2] But the West was not ripe for such a servitude. At the very moment when the emperor appeared to have attained what no Catholic sovereign had succeeded in achieving before him, when the pope had actually consented to surrender his primacy, the whole fabric of the empire fell to pieces.

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[1] Haussonville, v. p. 227.

[2] 'J'allais relever le pape outre mesure, l'entourer de pompes et d'hommages. Je l'eusse amené à ne plus regretter son temporel; j'en aurait fait une idole; il eût demeuré près de moi. Paris fût devenu la capitale du monde Chrétien, et j'aurais dirigé le monde religieux ainsi que le monde politique. C'était un moyen de resserrer toutes les parties fédératives de l'empire et de contenir en paix tout ce qui en demeurait en dehors. J'aurai eu mes sessions religieuses comme mes sessions législatives. Mes conseils eussent été la représentation de la Chrétienté; les papes n'en eussent été que les présidents. J'aurais ouvert et clos ces assemblées, approuvé leurs décisions, comme l'avaient fait Constantin et Charlemagne.'

One proviso indeed the pope had made—namely, that the treaty should not be published until the cardinals, as the natural advisers of the Church, had accepted it. But on this rock everything was shipwrecked anew; for no sooner had the cardinals of decided Roman sympathies (*les cardinaux noirs*, as they were nicknamed, because they were prohibited from wearing their robes of office), who up to that time had been 'interned,' or at all events debarred from all intercourse with the pope, gained admittance to him once more, than they easily convinced him how fatal must be the result of such compliance as would deny the universal character of the Catholic Church. And accordingly, after the emperor, to make a papal retractation impossible, had published the Concordat, Pius VII., in a letter of March 24, revoked his consent, as well as the brief of Savona. There is no doubt that the altered condition of Europe had determined this step. In the solitude of his imprisonment he had heard but little of that change; it was the cardinals who first informed him of the shattering of Napoleonic power. The revocation followed immediately after the appeal of the king of Prussia 'To my people.' And now, under the pressure of this tremendous revolution, the situation of the two parties was reversed. Napoleon was compelled to offer concessions, and the pope was able to refuse them. In vain did he offer, after the battle of Leipzig, and when the allies were on the Rhine, to restore a part of the former States of the Church—nay, even the whole of them. The pope replied that he could negotiate only at Rome. When all appeared to be lost, the emperor allowed his prisoner to depart unconditionally. Immediately before the taking of Paris Pius VII. made his

Abdication of Bonaparte.

entrance into Rome, amidst the joyful acclamations of the people. Meanwhile, on the same table in the castle of Fontainebleau at which the papal captive had taken his humble meals, Napoleon was forced to sign his abdication.

The history of the French Revolution shows beyond dispute how feeble is all external force against the spiritual power of the Church. This tremendous cataclysm surprised the French Church in the midst of utter corruption. She could not defend her abuses, but she remained to the last moment the enemy of religious liberty. When now the Revolution, in its turn, invaded her internal constitution, and summoned all the resources of terror to further its designs, then that debased and humiliated Church emerged from persecution with the new-born strength of a martyr, and the way was prepared for a religious revival, such as no man would have dreamed to have been possible in the eighteenth century. It is not true that Napoleon, as his panegyrists assert, restored the altars. Long before the Concordat Catholic worship was re-organised in more than forty thousand communities. The free-thinking nobility returned to the ancient faith: Voltaire and Rousseau were followed by Chateaubriand, De Maistre, and Bonald, as the champions of that Church which others had sought to destroy.

From this false path Napoleon first led the way to an enlightened solution, but merely in order to rule the Church through the pope; and the result of that policy was that after each newly-extorted concession, he encountered fresh difficulties, and finally failed to settle matters with a clergy compliant beyond any others. But for France even the Concordat has been no blessing. Although, according to the letter, interpreted with the Organic Articles, it protects the independence of the State towards the Church, better than any other compact between two rival powers, and in that sense is a powerful weapon in the hands of a strong executive, still it fails, for one thing, to remove the fundamental antagonism of Church and State, since a close union of the two is retained, and the Church, by refusing canonical institution, is enabled to encroach seriously upon the national life. On the other hand, as soon as the government requires the support of the Church among the people, all those resources of State power are placed at the service of the clergy. And strangely enough, by that very Concordat, through which Napoleon thought to consummate the religious revolution, and to subject the Church to his own domination, he contributed, more than anyone, to revive Ultramontanism. The Revolution had destroyed the political independence of the clergy, so that the continuance of the Gallican principles would simply have made the Church a servant of the State. Naturally, therefore, the former began already to gravitate to its other pole, Rome. But Napoleon pushed the clergy much further in that direction. By making the decision of the pope in spiritual quite as absolute as his own in temporal affairs, and forcing Pius VII. against his will to declare, by a stroke of the pen, all episcopal sees vacant in France, and to regulate the dioceses anew, he made the pope once more the supreme ruler of the Church, and converted the episcopate, whose independence and Divine institution had been fought for so eagerly at Trent, into mere papal assistants or ecclesiastical prefects. Hence the reason why, after seventy years' rule of the Concordat, on which the French plume themselves to this day, the Gallican principles are as good as annihilated, and the French clergy have become thoroughly Ultramontane. Verily Napoleon was right when, in a moment of intuition, he remarked to the abbé de Pradt, 'On ne recueille que ce que l'on a semé : le Concordat est la plus grande faute de mon règne.'[1]

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[1] This does not impugn the observation of Sciout that the Concordat was an immense progress compared with the former *régimes*. 'La persécution était si profondément entrée dans les habitudes et dans les traditions des gouvernements, qu'il fallait, pour rassurer les consciences et contenir les passions anti-religieuses, un acte éclatant, un *pacte solennel*, qui declarât à la France et à l'Europe que le gouvernement français rompait complètement avec cette politique persécutrice que la Révolution avait toujours suivie jusqu'alors au nom de liberté et au salut de la patrie' (p. 17). But I dispute the statement that this 'solemn pact' could only be a treaty with the pope.

THE END OF THE FIRST VOLUME.

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